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and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], and the Senator from Wyoming [Mr. MCGEE], are absent on official business.

I also announce that the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Maine [Mr. MUSKIE], and the Senator from New Jersey [Mr. WILLIAMS], are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. ERVIN] and the Senator from Wyoming [Mr. MCGEE], would each vote "nay."

On this vote, the Senator from New York, [Mr. KENNEDY] is paired with the Senator from Virginia [Mr. BYRD]. If present and voting, the Senator from New York would vote "yea," and the Senator from Virginia would vote "nay."

Mr. CARLSON. I announce that the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], the Senator from South Dakota [Mr. MUNDT], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

If present and voting, the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], and the Senator from South Dakota [Mr. MUNDT] would each vote "nay."

The pair of the Senator from Massachusetts [Mr. SALTONSTALL] has been previously announced.

The result was announced—yeas 21, nays 57, as follows:

[No. 241 Leg.]

YEAS—21

Bible	Lausche	Neuberger
Burdick	McGovern	Prouty
Cooper	McNamara	Proxmire
Douglas	Metcalf	Randolph
Gruening	Monroney	Williams, Del.
Hart	Morse	Yarborough
Kennedy, Mass.	Nelson	Young, Ohio

NAYS—57

Alken	Fong	McIntyre
Anderson	Harris	Miller
Bass	Hartke	Mondale
Bayh	Hayden	Montoya
Bennett	Hickenlooper	Moss
Boggs	Hill	Murphy
Brewster	Holland	Pastore
Byrd, W. Va.	Hruska	Pearson
Cannon	Inouye	Pell
Carlson	Jackson	Ribicoff
Case	Jordan, N.C.	Robertson
Cotton	Jordan, Idaho	Russell, S.C.
Dodd	Long, Mo.	Russell, Ga.
Eastland	Long, La.	Scott
Ellender	Magnuson	Simpson
Fannin	McClellan	Smathers

Smith	Symington	Tower
Sparkman	Talmadge	Tydings
Stennis	Thurmond	Young, N. Dak.

NOT VOTING—22

Allott	Ervin	McGee
Bartlett	Fulbright	Morton
Byrd, Va.	Gore	Mundt
Church	Javits	Muskie
Clark	Kennedy, N.Y.	Saltonstall
Curtis	Kuchel	Williams, N.J.
Dirksen	Mansfield	
Dominick	McCarthy	

So Mr. MORSE's amendment was rejected.

Mr. HOLLAND. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. SMATHERS. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered.

Mr. MORSE. Mr. President, I shall not require the yeas and nays. I have no objection to dispensing with the yeas and nays.

Mr. HOLLAND. Mr. President, I feel as does the Senator from Oregon. I see no purpose in a yea-and-nay vote.

The VICE PRESIDENT. Without objection, the order for the yeas and nays is rescinded.

The bill (H.R. 4905) was passed.

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. SMATHERS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

# ADJUSTMENTS IN ANNUITIES UNDER THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 614, H.R. 4170.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4170) to provide for adjustments in annuities under the Foreign Service retirement and disability system.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. SPARKMAN. Mr. President, the bill came from the House of Representatives and has been approved by the Committee on Foreign Relations. It seeks to make some changes in Foreign Service annuities.

The Senate has previously had similar measures before it; in fact, a similar measure was considered at the end of the previous session of Congress.

It was felt that changes should be

made in the bill; consequently, action on the bill was not completed at the previous session of Congress.

When this bill was reported to the Senate, the Senator from Delaware [Mr. WILLIAMS] and the Senator from Ohio [Mr. LAUSCHE], who had been much interested in it, proposed an amendment. The Senator from Delaware [Mr. WILLIAMS] will present the amendment.

Mr. WILLIAMS of Delaware. Mr. President, on behalf of the Senator from Ohio and myself, I offer an amendment and ask that it be read.

The VICE PRESIDENT. The amendment will be stated.

The legislative clerk read as follows:

On page 3, lines 19 and 20, strike out "during the period, beginning October 16, 1960, and ending on" and substitute "prior to".

On page 3, line 23, strike out "during such period" and substitute "prior to such date".

On page 3, lines 23 and 24, strike out "on October 16, 1930" and substitute "at the time of his retirement".

On page 4, beginning with the word "In" on line 1, strike out through the word "date" on line 9.

Mr. WILLIAMS of Delaware. One hundred seventy-nine employees of the Foreign Service retired and at the time of their retirement did not elect to designate their wives as survivor beneficiaries. The bill as reported by the committee would give these retirees the right to make the election retroactive in order to give their wives survivorship benefits, but the bill does not require them to pay back the extra benefits they have collected in the meantime.

I repeat—the bill as reported does not provide that those who made the election at this late date would have to pay back the extra amount of money in retirement benefits which they had received over the period when they had not designated their wives as beneficiaries.

The purpose of the Lausche-Williams amendment would still allow retirees to elect, even at this late date, to designate their wives as survivor beneficiaries, but it require them to pay back to the retirement fund the extra amount which they collected as computed from the date of retirement over and above the amount they would have collected had they made the election at that time.

This is the same amendment that was included in the bill which was passed by the Senate last year.

The amendment is offered by myself and the Senator from Ohio [Mr. LAUSCHE]. I understand that the committee is willing to accept the amendment.

Mr. MANSFIELD. Did the Senator say that the amendment was offered on behalf of the Senator from Ohio [Mr. LAUSCHE] too?

Mr. WILLIAMS of Delaware. Yes.

I cite just one example to show the need for this amendment.

Employee A is currently drawing a pension of \$17,500 a year. Had he designated his wife as a beneficiary on the date of retirement his pension would have been reduced \$1,200 per year, or to \$16,300.

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He has been retired for 9 years, which means that he has collected \$10,800 in extra benefits as the result of not having designated his wife for survivor benefits.

The bill as reported by the committee would allow this man now to designate his wife as his beneficiary by taking the standard deductions from his current pension, but the bill would not require him to pay back to the Federal Treasury the extra \$10,800 which he had collected in the meantime.

The amendment which the Senator from Ohio and I are offering would grant these retirees another opportunity to designate their wives as beneficiaries but in order to do so they would first be required to make arrangements to pay back to the retirement fund the entire amount which they have collected over and above that amount which they would have collected had they made this designation originally.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the minority views of the Senator from Ohio (Mr. LAUSCHE) and myself, as contained in the committee report.

This report outlines in greater detail our basic objections to the bill as it was reported by the committee.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

#### MINORITY VIEWS

It is our opinion that this bill should not be acted upon favorably because, if adopted:

(1) It will grant to certain individuals rights to which they are not entitled and which will make these particular individuals the beneficiaries of grants not given equally to other persons in the Foreign Service retirement program.

(2) Allow these special retirees now to designate their respective wives as beneficiaries, in the event they are survived by their wives, without requiring the retirees to pay back into the Treasury excess amounts which the fund paid them upon their retirement because they did not select to have their wives designated as beneficiaries.

(3) Treat unjustly those retirees who did designate their wives as survivor beneficiaries and thus suffered a reduction in the retirement pay which they received.

(4) Create further complications and the need for further adjustments when those retirees who did designate their wives as survivor beneficiaries learn of the losses which they suffered through the reduction in retirement pay because they did designate their wives as survivor beneficiaries.

(5) Definitely create an inequality of treatment of the persons covered by the fund.

(6) Give encouragement to the administration of retirement funds completely inconsistent with prudence and actuarial rules.

(7) Require the payment of the obligations created by the bill not out of the Foreign Service retirement fund but out of the general taxpayers' fund of the Federal Government.

Any beneficiary under this bill at the time of retirement from the Foreign Service had the option of either designating or not designating a potential surviving spouse as a beneficiary. The retiree had to decide whether he would prefer getting an increased retirement pay for himself without designating his wife as a beneficiary, or a decreased retirement pay by so designating his spouse.

Many retirees did designate their spouses as beneficiaries and thus received less money

for themselves during their lifetime. There were others who exercised the option of getting more pay for themselves but excluding their spouses as beneficiaries.

If this bill is adopted it will result in unequal treatment as between these two classes of retirees. The retiree for whom this bill is being passed will now be allowed to designate the spouse as a beneficiary but will also be allowed to keep all of the excess pay that he received from the fund since his retirement.

However, the Foreign Service worker who, at the time of retirement, elected to have his spouse designated as a beneficiary, of course, received less money. There is no provision in the bill reimbursing those retirees for their losses. We are of the opinion that this latter class, when it learns of the discriminatory treatment to which this bill will subject them, will justifiably come before the Congress asking that they be given equal consideration.

With regard to this Foreign Service retirement plan, we have an exhibition of what reckless and imprudent disregard for actuarial rules does to the stability of a retirement plan that was originally set up on a sound basis. The retirement plan of the Foreign Service was adopted by Congress in 1924. At that time, it provided for employee contributions equal to 5 percent of salary up to \$9,000, and Government appropriations necessary to continue the plan in full force, the aggregate total of Government appropriations not to exceed the aggregate total of officer contributions plus interest. However, at various times forces began to operate for liberalizations of rights and payments.

Some of the liberalizations that the Congress adopted are as follows:

1. In 1939, officers who had served 30 years could retire at age 60 on a reduced annuity.

2. In 1939, survivor annuities for wives were first provided.

3. In 1941, the act was changed to permit retirement with 30 years of service at age 50.

4. In 1946, voluntary retirement at age 50 with 20 years of service was permitted.

5. In 1946, disability retirement was liberalized so that when a participant in the system becomes disabled, if he has at least 5 years of service, his annuity is figured on the basis of a minimum of 20 years of service.

6. Also in 1946, the act was amended to provide that an annuity would be based on the officer's 5-year average salary next preceding retirement, rather than the 10 years next preceding retirement.

7. In 1955, it was changed to the best 5-year average, rather than the 5 years next preceding retirement.

8. In 1956, the limitation on years of service on which an annuity could be based was raised from 30 to 35 years, thus allowing 70 percent of the highest 5-year average salary as an annuity.

9. In 1960, the retirement system was changed to provide that Foreign Service Staff personnel, after they have served 10 years in the Foreign Service, become participants in the Foreign Service retirement system. During the first 10 years of their service they are subject to the Civil Service Retirement Act.

10. In 1960, survivor annuities for children were also granted.

11. And, in 1960, the act was amended to provide for recomputation of annuities of those who had retired prior to 1956 to allow those with more than 30 years to be given added credit for the difference up to 35 years.

A measure of the dollar impact of these liberalizations on the unfunded liability of the system is not available. But, partly as a consequence of these liberalizations, the fund is now in an indefensible state of instability.

The limitation of 5 percent of salary up to \$9,000 provided by the 1924 act was changed to \$10,000 on February 23, 1931; changed to \$13,500 on August 13, 1946; and removed

altogether on August 5, 1955. The limitation on Government appropriations to the fund which was a provision from the establishment of the system in 1924 was removed on April 24, 1939; Government payments were to be in the form of annual appropriations based upon an actuarial determination of the contribution required. Frequently the Congress did not appropriate all or any part of the funds requested for this purpose.

Subsequently, on September 8, 1960, the law was again changed with respect to contributions requiring that the employees and the U.S. Government each pay 6½ percent effective July 1, 1961.

Existing now with respect to this retirement program is the indefensible and unbelievable situation that because of liberalizations in rights and other causes it requires a contribution of 29.7 percent to maintain the fund. If the contributions were to be made on an equal basis by employer and employee, each would have to contribute 14.85 percent of the payroll. The Government now owes \$288 million to the fund; the receipts of the fund are now equal to 13 percent of the payroll of the Foreign Service which is approximately \$250 million. It is essential that this inadequacy of contribution be solved.

We have been told that a proposal will be made to continue the payment of the employees at 6½ percent of their salaries but that the general taxpayers will then be required to contribute 23.2 percent to the payroll.

Illustrative of the unbelievable situation that prevails in the fund is the fact that into it now on the basis of a 13-percent contribution (6½ percent by the Government and 6½ percent by the workers) in fiscal year 1962, the fund received \$6 million while it paid out for all purposes \$5.5 million. An actuarial projection of funds, known obligations, and anticipated receipts reveals that unless measures are taken to improve the financing of the fund it will be depleted by 1977 and unable to meet future obligations. Obviously, this situation is bad. It is the result of failure to recognize when the liberalizations were made what the ultimate consequences would be. Many times when new rights were granted to one group, subsequently new rights had to be granted to another in order to equalize the consideration given.

We believe that Congress should not act favorably upon this bill because, if adopted it will treat persons covered by the fund unequally. In addition, its adoption would encourage the imprudent and actuarially unsound administration of retirement funds and would further obligate the general taxpayers' fund of the Federal Government, rather than the Foreign Service retirement fund. We believe that rather than further adding to the unfunded liability of the Foreign Service retirement plan Congress should be considering viable proposals to solve the deficiency in the fund aggravated by the liberalizations adopted in the past.

FRANK J. LAUSCHE.  
JOHN J. WILLIAMS.  
KARL E. MUNDT

Mr. SPARKMAN. Mr. President, there is considerable merit in the bill as it stands. However, I recognize the difference of opinion regarding the specific point that the Senator from Delaware raises. I realize that what he says has merit. It is a question of drawing a proper balance.

We have discussed the amendment. For my part, I am willing to accept it and take it to conference. I have assured the Senator from Delaware that it will be my purpose to insist upon the amendment in conference.

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Mr. WILLIAMS of Delaware. I thank the Senator from Alabama.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. WILLIAMS] for himself and the Senator from Ohio [Mr. LAUSCHEL].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 4170) was read the third time and passed.

Mr. SPARKMAN. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 623, Senate Joint Resolution 69.

The VICE PRESIDENT. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S.J. Res. 69) to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia, to be named the "James Madison Memorial Building" and to contain a Madison Memorial Hall, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Public Works with amendments on page 3, at the beginning of line 4, to strike out "Architect of the Capitol" and insert "Administrator of General Services, in accordance with 41 U.S.C. 252(c), and"; on page 4, line 4, after the word "the", to insert "Library of Congress"; in line 6, after the word "the", to strike out "Architect of the Capitol" and insert "Administrator"; in line 16, after the word "the", where it appears the first time, to strike out "Architect of the Capitol" and insert "Administrator"; in line 18, after the word "Library", to insert "and after consultation with the Architect of the Capitol"; on page 5, line 3, after the word "The", to strike out "Architect of the Capitol" and insert "Administrator of General Services"; in line 9, after the word "to", to strike out "carry out the purpose of" and insert "prepare plans and specifications for the building under"; and, at the beginning of line 16, to strike out "carry out the purposes of" and insert "prepare plans and specifications for the building under"; so as to make the joint resolution read:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provisions of law, the Administrator of General Services, in accordance with 41 U.S.C. 252(c), and under the direction jointly of the House Office Building Commission and the Joint Committee on the Library, is authorized and directed to construct in square 732 in the District of Columbia a third Library of Congress fireproof building, which shall be known as the Library of Congress James Madison Memorial Building. Such building shall be constructed in accordance with plans to be prepared by the Administrator, under the direction jointly of the House Office Building Commission and the Joint Committee on the Library and in consultation with the Library of Congress. The design of such building shall include a Madison Memorial Hall and shall be in keeping with the prevailing architecture of the Federal buildings on Capitol Hill. The Madison Memorial Hall shall be developed in consultation with the James Madison Memorial Commission.*

(b) In carrying out his authority under this joint resolution, the Administrator, under the direction jointly of the House Office Building Commission and the Joint Committee on the Library, and after consultation with the Architect of the Capitol is authorized (1) to provide for such equipment, such connections with the Capitol Power Plant and other utilities, such access facilities over or under public streets, such changes in the present Library of Congress buildings, such changes in or additions to the present tunnels, and such other appurtenant facilities, as may be necessary, and (2) to do such landscaping as may be necessary by reason of the construction authorized by this joint resolution.

SEC. 2. The Administrator of General Services, under the direction jointly of the House Office Building Commission and the Joint Committee on the Library, is authorized to enter into contracts and to make such other expenditures, including expenditures for personal and other services, not to exceed \$500,000, as may be necessary to prepare plans and specifications for the building under this joint resolution.

SEC. 3. The structural and mechanical care of such building and the care of the surrounding grounds shall be under the Architect of the Capitol.

SEC. 4. There are hereby authorized to be appropriated such sums, not to exceed \$500,000, as may be necessary to prepare plans and specifications for the building under this joint resolution.

Mr. COOPER. Mr. President, I voted against reporting Senate Joint Resolution 69, the measure to authorize the construction of a third Library building for the Library of Congress, and to provide the sum of \$500,000 for planning and designing the James Madison Memorial Building. I shall vote against the passage of the joint resolution today.

I did not vote against the measure because I thought the Library unneeded, as the witnesses heard by the Subcommittee on Buildings and Grounds of the Committee on Public Works, among them Dr. Quincy Mumford, the Librarian, made a strong case for an addition to the Congressional Library.

I voted against reporting the measure, and shall vote against it in the Senate, in order to express my view that the time has come for establishing a comprehensive plan for the future development of the area adjacent to the Capitol of the United States.

In past years, there has been a great deal of criticism of Government buildings erected in the area, directed to their location, cost, and architectural qualities. Among these buildings, I mention the New Senate Office Building and the

Rayburn Building. There has been criticism also of the destruction of private residences in the area, which might conceivably have been preserved as contributing to the historical atmosphere of the area. And, as a member of the Senate Committee on Public Works, I know that proposals are being constantly made for the acquisition of property in the area for the use of Government agencies or for the future use of Congress, the Supreme Court, and other Federal agencies.

At this point, I state that I have myself introduced a resolution to acquire property for the future use of the Supreme Court. I point out also that there is no hindrance to the construction by private interests of buildings which could be out of harmony with the architecture and activities of the area.

Last year, when the Congress authorized the construction of the center leg of the Inner Loop, requiring a tunnel underneath the Capitol Grounds, I opposed its construction both in committee and on the Senate floor. I did so because the hearings indicated that the thorough consideration had not been given to its cost, its effect upon residential and business properties not located on the Capitol Grounds, and its effect on the existing Capitol landscape. Although there was substantial support for my amendment, it was defeated.

The criticism of the policy—or lack of policy, to be more accurate—regarding the construction of buildings on the Capitol Grounds or adjacent to the Capitol Grounds has been widespread.

The bill as amended by the Senate Public Works Committee authorizes not to exceed \$500,000 to prepare plans and specifications for the building. While the cost is not known, there are estimates that it may reach \$80 million and some have informed me that it could reach \$100 million. The cost factor alone indicates that great care ought to be taken with respect to its location and in the selection of qualified architects. I assume from the wording of the bill that the Administrator of the General Services Administration would have the authority to make preliminary plans and specifications and to engage an architect, and that the authority given the General Services Administrator in subsection (b) with respect to changes in the present Library of Congress buildings, power, and access facilities, additions to the present tunnels, landscaping, and other pertinent facilities, under the \$500,000 authorization could go so far as to bind an architect in plans that he thought best for the building and the area.

I understand further that the House Office Building Committee makes its recommendations concerning the use of lands that have been acquired by the Government. It is my understanding that it has not yet approved the use of square 732 and the construction of the James Madison Memorial Building.

I have understood that, to this time, at least, the proposal has been rejected. If the committee does not recommend square 732 and this resolution were to be authorized by Congress, the General Services Administration would find it necessary to locate and acquire, with the



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approval of the two Committees on Public Works, additional property in the area.

I speak of the above to emphasize that I believe the time has come for the establishment of a commission to plan an orderly way for the future needs of the Congress and other Government agencies on the lands in the Capitol Hill area now owned by the Federal Government or which should be acquired, taking into consideration cost, location of buildings, and certainly their design, to preserve the architectural harmony of the area and maintain the dominance of the Capitol.

I propose that the Congress should authorize a commission named by the President to undertake this important task. It should include Members of the House and Senate and, most important, members from private life, great architects and experts whose plans would insure the utility and the beauty of the Capitol area.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The Senator from West Virginia is recognized.

Mr. RANDOLPH. Madam President, I rise to support Senate Joint Resolution 69. I do so because it was my privilege and responsibility, at a prior session of Congress, to conduct hearings on a measure presented by the Senator from Florida [Mr. HOLLAND], joined in sponsorship by the Senator from Virginia [Mr. ROBERTSON], the Senator from Kansas [Mr. CARLSON], and the Senator from Utah [Mr. BENNETT].

I congratulate the capable chairman of the Subcommittee on Public Buildings and Grounds [Mr. YOUNG of Ohio] for the thoroughness with which the subject matter has been heard during the first session of the 89th Congress. Our distinguished chairman of the full Committee on Public Works has also given this measure his close attention as have other members of the committee.

It is important that we proceed with a project of this type, based on the testimony which has been presented in the subcommittee hearings, and the careful consideration which has been given to the measure in the full Committee on Public Works.

I commend the Senator from Florida [Mr. HOLLAND] and those who have joined with him in presenting this measure to our attention, and for the leadership which he has provided in this memorializing one of the great founders of this Republic.

I join the Senator from Kentucky [Mr. COOPER], a very able member of the Committee on Public Works, in reference to the need for a planned program for the Greater Capital area. I have legislation which is pending on that subject. There have been hearings, which I hope will lead to further committee and congressional action in an orderly fashion. But the measure I introduced was never intended to delay action or deviate from a program which can come into being at an early date with the construction of a third Library building honoring former President Madison.

I agree with the Senator from Ohio [Mr. YOUNG] that we gave due consideration to this subject. I hope, because of the duties and needs of the Library,

this measure will be passed this afternoon.

It is particularly appropriate that the Congress and the American people pay tribute to James Madison in this fashion. For as the chief architect of the Bill of Rights, James Madison made an enduring and immeasurable contribution to the life of the mind. It is fitting that his monument in the Capitol will be one of the great repositories of the works of the free and creative mind of man.

Mr. CARLSON. Madam President, I am not a member of the Public Works Committee. Therefore, I have not had an opportunity to hear recent testimony regarding the need for an additional building, but 2 years ago I was, and I still am, a member of the committee considering the matter. Personally I am convinced that we must have additional space for the Library to carry on its work. There may be a division of opinion as to where it should be located, but this is ground we own. It will be accessible to our present Library. It is not only time we have the matter before us, but I hope we can take action on it.

Mr. RANDOLPH. I concur in the remarks of the Senator from Kansas on this matter.

Mr. HOLLAND. Madam President, the land is available. The land is cleared. The land is immediately across from the principal building of the Library of Congress. It is planned to be joined by an underground passage. The land is suitable for a building which will have two or more stories underground with humidity and temperature controls for safekeeping of the papers of former Presidents, some of which are not in good condition, and some of which are in disarray.

James Madison was the principal architect of the Constitution. He wrote more, with the possible exception of Thomas Jefferson, than any other great scholar we have had about our form of government. He served later as a Member of the House, then as a member of the Cabinet, and served as President for 8 years.

He was a great student and scholar. Here it is proposed to have a building to pay tribute to one of our great Presidents—

Mr. ROBERTSON. Madam President, will the Senator yield?

Mr. HOLLAND. I do not have the floor, but I shall be glad to yield in a moment to the Senator from Virginia, from whose great Commonwealth Madison came.

I was informed by three outstanding groups of scholars, mainly university professors, writers, and the like, of the difficulties in having access—I do not mean access as such, but access so they could readily get the historical papers of Presidents which are so necessary to be viewed and studied concerning the early days of our country so they can be written about. They told me that the papers are in disarray. Many papers have been, at least temporarily, misplaced. It is necessary for us to safeguard these precious emblems of our early days in our struggle for a truly free form of government.

Along with the distinguished Senator from Kansas [Mr. CARLSON], the distinguished Senator from Utah [Mr. BENNETT], and above all the distinguished Senator from the Commonwealth of Virginia [Mr. ROBERTSON], we have been serving on a commission, by appointment of an earlier Vice President, for some 6 years. There has been one frustration after another.

We had the matter worked out pretty well when the death of the former distinguished Speaker of the House, Mr. Rayburn occurred. He was lending his office and his influence to using this piece of land, which is adjoining the old, first House Office Building for the additional Library of Congress Building. Later, we had the strong support of the present Speaker. It now has the support of the building committee of the House of Representatives, the House Office Building Commission, headed by the Speaker, and the Joint Committee on the Library, headed by my distinguished junior colleague from North Carolina [Mr. JORDAN].

Mr. RANDOLPH. Who is one of the cosponsors of the joint resolution?

Mr. HOLLAND. Who is one of the cosponsors of the joint resolution. We are anxious to get it underway.

So far as its usefulness is concerned, it will be added to the Library of Congress, where literally they are being pushed out of their present buildings by the accumulation of books and papers, with only one floor used for this purpose. It is a worthwhile purpose. I hope the Senate will see fit to pass the joint resolution.

I thank the Senator from Ohio and the Senator from West Virginia and other Senators for the sustenance they have given me in this effort. Particularly do I express appreciation of the fact that the Senator from Ohio has been able to bring the bill before us at this time.

Mr. ROBERTSON. Madam President, will the Senator yield?

Mr. YOUNG of Ohio. I yield to the Senator from Virginia.

Mr. ROBERTSON. Madam President, I wish to associate myself with the remarks the Senator from Florida has made, both as to Madison and the need for this library building.

Physically, Madison was perhaps the smallest man to serve as President. Mentally, he was a giant.

The Senator from Florida is correct when he says he can justly be praised as the architect of the Constitution. I believe he did more than any one man, both at the Philadelphia Convention and later, with Hamilton and Jay, in the Federalist Papers, in that effort. He is the only man who made stenographic notes of what went on. Without those notes, no one could have remembered all that occurred.

As to the need for the additional Library of Congress building, no one is against it. It has been needed for years.

Some reference was made to possibly using that ground for an additional House Office Building. I served in the House. The House with its 435 Members is not very wieldy. If the numbers are in-

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND: On page 27, line 1, insert "(1)" immediately after "(B)", and after line 3, insert the following:

(2) Section 741 of such Act is further amended (A) by redesignating subsections "(f)", "(g)", and "(h)" thereof as subsections "(g)", "(h)", and "(i)", respectively, and (B) by adding immediately after subsection (e) thereof the following new subsection:

"(f) Where any person who obtained one or more loans from a loan fund established under this part—

"(1) engages in the practice of medicine, dentistry, or osteopathy in an area in a State determined by the appropriate State health authority to have a shortage of and need for physicians or dentists; and

"(2) the appropriate State health authority certifies to the Secretary of Health, Education, and Welfare in such form and at such times as the Secretary may prescribe that such practice helps to meet the shortage of and need for physicians or dentists in the area where the practice occurs; then 10 per centum of the total of such loans, plus accrued interest on such amount, which are unpaid as of the date that such practice begins, shall be canceled thereafter for each year of such practice, up to a total of 50 per centum of such total, plus accrued interest thereon."

Mr. CLEVELAND (Interrupting the reading). Madam Chairman, I ask unanimous consent that further reading of the amendment may be dispensed with and that it may be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. CLEVELAND. Madam Chairman, the amendment can be explained simply, as follows: The amendment would permit doctors under certain circumstances, who go to rural areas where there is a shortage of doctors, to have up to half of their student loans excused.

This measure is no stranger to the committee. I understand it was in the bill which was reported in 1963.

This proposal has been passed by the Senate. Senator Corron and other Senators have introduced such legislation, and it has passed the Senate.

I might go a step further. I hope the distinguished chairman, the gentleman from Arkansas, will agree to this amendment, because he thinks so highly of it and thought so highly of his former colleague and good friend, Senator Corron, that he brought this very amendment in the form of a separate bill to the floor of the House last year. He did so at my request and at the request of the distinguished gentleman from Illinois [Mr. SPRINGER] who with me had introduced the bill in the House. To my great discomfort, and I am sure to his discomfort, and through a misunderstanding the bill was voted down last year.

Now that the distinguished chairman is leaving these hallowed halls for the judiciary, it seems to me only appropriate that as one of his final "judicial" acts here he should agree to this amendment, and this body, should adopt my amendment out of respect to the chairman. We should right the wrong which occurred last year when this bill got

waylaid in jurisdictional disputes with our distinguished educators and was voted down.

We talk a great deal about the needs of rural America. Across a broad spectrum of the legislative panorama we are moving to help rural America. Here is a small way in which we can help rural America, by encouraging young doctors and dentists to start out their practice there and, hopefully, stay for the rest of their practice in rural America. This is a simple matter and easy to explain and will certainly put the stamp of congressional approval on the fact that we would like to encourage some of these doctors to go out and practice in rural America where the need is so obvious and so great. This matter has been approved by the committee on two separate occasions. It was approved once by the Senate, and the Senate bill, which passed the Senate, has now been referred to the committee. I am waiting for the distinguished chairman of the committee to stand up and say he is going to accept this amendment. I feel confident he is going to, so I will not waste any more of your time.

Mr. HARRIS. Madam Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the distinguished chairman.

Mr. HARRIS. I thank the gentleman for his very generous and kind remarks. May I ask him if this is precisely the bill that the committee reported out during the last Congress and which was considered here on the floor of the House and which lost by a few votes?

Mr. CLEVELAND. This is exactly the same language.

Mr. HARRIS. I have no objection to the amendment.

Mr. CLEVELAND. I thank the gentleman. I know he is going to have a long and illustrious career on the bench, and I hope some day to have the pleasure of seeing him there.

Mr. SPRINGER. Madam Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Illinois.

Mr. SPRINGER. May I say for the benefit of all my other colleagues that at one time last year I had this provision in the bill and withdrew it in order to get the bill through the House. May I say at least two gentlemen I know of on that side have introduced similar legislation at various times. Those of us who have lived in rural areas and where there is a shortage of doctors I know believe it would be a distinct help in getting doctors there. Therefore I do support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire [Mr. CLEVELAND].

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mrs. GRIFFITHS, Chairman of the Committee of the Whole House on the State

of the Union, reported that that Committee, having had under consideration the bill (H.R. 3141) to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of that act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes pursuant to House Resolution 535, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The question was taken.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 340, nays 47, not voting 45, as follows:

[Roll No. 257]  
YEAS—340

Adair	Callan	Ellsworth
Adams	Cameron	Erlenborn
Addabbo	Carey	Evans, Colo.
Albert	Carter	Everett
Anderson,	Casey	Fallon
Tenn.	Celler	Farbstein
Andrews,	Chamberlain	Farnsley
Glenn	Chelf	Farnum
Andrews,	Clark	Fascell
N. Dak.	Clausen,	Fino
Annunzio	Don H.	Fisher
Arends	Cleveland	Flood
Ashley	Clevenger	Flynt
Ashmore	Cobelan	Fogarty
Aspinall	Conable	Foley
Ayres	Conte	Fountain
Baldwin	Cooley	Fraser
Bandstra	Corbett	Frelinghuysen
Barrett	Cramer	Friedel
Battin	Culver	Fulton, Pa.
Beckworth	Cunningham	Fulton, Tenn.
Bell	Curtin	Fuqua
Bennett	Curtis	Gallagher
Berry	Daddario	Garmatz
Betts	Dague	Gathings
Bingham	Daniels	Gettys
Blatnik	Davis, Ga.	Glamo
Boggs	Dawson	Gibbons
Boland	de la Garza	Gilbert
Bolling	Delaney	Gilligan
Bow	Dent	Gonzalez
Brademas	Denton	Grabowski
Bray	Dickinson	Gray
Brooks	Diggs	Green, Oreg.
Broomfield	Donohue	Green, Pa.
Brown, Calif.	Dorn	Greigg
Broyhill, N.C.	Dow	Grider
Broyhill, Va.	Dowdy	Griffin
Burke	Downing	Griffiths
Burleson	Dulski	Grover
Burton, Calif.	Duncan, Oreg.	Gubser
Burton, Utah	Dwyer	Gurney
Byrne, Pa.	Dyal	Hagan, Ga.
Cabell	Edmondson	Hagen, Calif.
Cahill	Edwards, Calif.	Haley

Halleck  
Hamilton  
Hanley  
Hanna  
Hansen, Iowa  
Hansen, Wash.  
Hardy  
Harris  
Harsha  
Harvey, Ind.  
Harvey, Mich.  
Hathaway  
Hawkins  
Hechler  
Helstoski  
Henderson  
Herlong  
Hicks  
Holtfield  
Holland  
Horton  
Hosmer  
Howard  
Hull  
Huot  
Ichord  
Irwin  
Jacobs  
Jarman  
Jennings  
Joelson  
Johnson, Calif.  
Johnson, Okla.  
Johnson, Pa.  
Jones  
Jones, Ala.  
Karsten  
Karth  
Kastenmeier  
Keith  
Kelly  
Keogh  
King, Calif.  
King, Utah  
Kirwan  
Kluczynski  
Krebs  
Kunkel  
Langan  
Latta  
Leggett  
Lennon  
Long, Md.  
Love  
McCarthy  
McCulloch  
McDade  
McDowell  
McFall  
McGrath  
McMillan  
McVicker  
Macdonald  
MacGregor  
Machen  
Mackay  
Mackie  
Madden  
Mahon  
Mailliard

Martin, Nebr.  
Matsunaga  
May  
Meeds  
Mills  
Minish  
Mink  
Mize  
Moeller  
Monagan  
Moore  
Moorhead  
Morgan  
Morris  
Morrison  
Morton  
Moss  
Muller  
Murphy, Ill.  
Murphy, N.Y.  
Murray  
Natcher  
Nedzi  
Nelsen  
Nix  
O'Brien  
O'Hara, Ill.  
O'Hara, Mich.  
O'Konski  
Olsen, Mont.  
Olson, Minn.  
O'Neill, Mass.  
Ottinger  
Patman  
Patten  
Pelly  
Pepper  
Perkins  
Phillips  
Pickle  
Pike  
Pirnie  
Poage  
Pool  
Powell  
Price  
Purcell  
Quie  
Race  
Randall  
Redlin  
Reid, N.Y.  
Reifel  
Reinecke  
Reuss  
Rhodes, Ariz.  
Rhodes, Pa.  
Rivers, Alaska  
Roberts  
Robison  
Rodino  
Rogers, Colo.  
Rogers, Fla.  
Rogers, Tex.  
Roman  
Rooney, N.Y.  
Rooney, Pa.  
Rosenthal  
Rostenkowski  
Roudebush

Roush  
Roybal  
Rumsfeld  
Ryan  
Satterfield  
St Germain  
St. Onge  
Scheuer  
Schmidhauser  
Schneebeli  
Schweiker  
Scott  
Secrest  
Selden  
Senger  
Shipley  
Shriver  
Sickles  
Sikes  
Sisk  
Slack  
Smith, Iowa  
Smith, N.Y.  
Smith, Va.  
Springer  
Stafford  
Staggers  
Stalbaum  
Stanton  
Steed  
Stephens  
Stratton  
Stubblefield  
Sullivan  
Sweeney  
Talcott  
Taylor  
Teague, Tex.  
Tenzer  
Thompson, Tex.  
Thomson, Wis.  
Todd  
Trimble  
Tunney  
Tuten  
Udall  
Van Deerlin  
Vanik  
Vigorito  
Vivian  
Walker, N. Mex.  
Watkins  
Watts  
Weltner  
Whalley  
White, Idaho  
White, Tex.  
Whitener  
Whitten  
Widnall  
Wilson  
Charles H.  
Wolff  
Wright  
Wyatt  
Wylder  
Yates  
Young  
Younger  
Zablocki

## NAYS—47

Abbitt  
Ashbrook  
Belcher  
Bolton  
Brook  
Buchanan  
Byrnes, Wis.  
Callaway  
Cederberg  
Clancy  
Colmer  
Davis, Wis.  
Derwinski  
Dole  
Duncan, Tenn.  
Edwards, Ala.

Findley  
Ford, Gerald R.  
Goodell  
Gross  
Hall  
Hansen, Idaho  
Hutchinson  
Jones, Mo.  
King, N.Y.  
Laird  
Lipscomb  
McClary  
Marsh  
Martin, Ala.  
Michel  
Minshall

O'Neal, Ga.  
Passman  
Poff  
Quillen  
Reid, Ill.  
Skubitz  
Smith, Calif.  
Teague, Calif.  
Tuck  
Utt  
Waggonner  
Walker, Miss.  
Watson  
Williams  
Wilson, Bob

## NOT VOTING—45

Abernethy  
Anderson, Ill.  
Andrews  
George W.  
Baring  
Bates  
Bonner  
Clawson, Del.  
Collier  
Conyers  
Corman  
Craley  
Devine  
Dingell  
Evins, Tenn.  
Felghan

Ford, William D.  
Halpern  
Hays  
Hébert  
Hungate  
Kee  
Kornegay  
Landrum  
Lindsay  
Long, La.  
McEwen  
Martin, Mass.  
Mathias  
Matthews  
Miller

Morse  
Mosher  
Pucinski  
Resnick  
Rivers, B.C.  
Roncallo  
Roosevelt  
Saylor  
Schisler  
Thomas  
Thompson, N.J.  
Toll  
Tupper  
Ullman  
Willis

So the bill was passed.  
The Clerk announced the following pairs:

Mr. Miller with Mr. Hébert.  
Mr. Feighan with Mr. Long of Louisiana.  
Mr. Roncallo with Mr. Tupper.  
Mr. Toll with Mr. Saylor.  
Mr. Thompson of New Jersey with Mr. Morse.  
Mr. Matthews with Mr. Martin of Massachusetts.  
Mr. Dingell with Mr. Anderson of Illinois.  
Mr. Kee with Mr. Mosher.  
Mr. Kornegay with Mr. Collier.  
Mr. Hays with Mr. Devine.  
Mr. George W. Andrews with Mr. Del Clawson.  
Mr. Schisler with Mr. Halpern.  
Mr. Pucinski with Mr. Roosevelt.  
Mr. Corman with Mr. Conyers.  
Mr. Baring with Mr. Craley.  
Mr. Abernethy with Mr. Resnick.  
Mr. Evins of Tennessee with Mr. Rivers of South Carolina.  
Mr. Landrum with Mr. Bonner.  
Mr. Ullman with Mr. Mathias.  
Mr. William D. Ford with Mr. Bates.  
Mr. Willis with Mr. McEwen.  
Mr. Hungate with Mr. Lindsay.

Mr. MORTON changed his vote from "nay" to "yea."  
Messrs. HANSEN of Idaho, DOLE, and SKUBITZ changed their votes from "yea" to "nay."  
The result of the vote was announced as above recorded.  
The doors were opened.  
A motion to reconsider was laid on the table.

## RESIGNATION FROM COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER laid before the House the following resignation from a committee:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., September 1, 1965.  
Hon. JOHN W. MCCORMACK,  
Speaker of the House, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: It is with regret that I submit my resignation as a member of the Committee on Government Operations, effective this date.

It has been a privilege and an honor for me to work with the many fine members of this committee during the 89th Congress. My association and participation in the deliberations of this group will remain a pleasant and rewarding experience.

Sincerely yours,

DELBERT L. LATTI,  
Representative to Congress.

The SPEAKER. Without objection, the resignation will be accepted.  
There was no objection.

## GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 3141.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## INTERNATIONAL WHEAT AGREEMENT

Mr. SISK, from the Committee on Rules, reported the following privileged

resolution (H. Res. 561, Rept. No. 945), which was referred to the House Calendar and ordered to be printed:

## H. Res. 561

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2294) to amend section 2 of the International Wheat Agreement Act of 1949. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

## UNITED NATIONS PARTICIPATION ACT

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 562, Rept. No. 946), which was referred to the House Calendar and ordered to be printed:

## H. Res. 562

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1903) to amend the United Nations Participation Act, as amended (63 Stat. 734-736). After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

## TO AMEND THE FOREIGN SERVICE ACT OF 1946, AS AMENDED

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 563, Rept. No. 947), which was referred to the House Calendar and ordered to be printed:

## H. Res. 563

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6277) to amend the Foreign Service Act of 1946, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. As the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the



bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### CORRECTION OF THE RECORD

Mr. HALL. Mr. Speaker, I ask unanimous consent that my statement printed on page 21300 of the CONGRESSIONAL RECORD be printed in the permanent RECORD to follow the substitute amendment offered by the gentleman from New Jersey [Mr. FRELINGHUYSEN].

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### CORRECTION OF ROLL CALL

Mr. ASHLEY. Mr. Speaker, on roll call No. 253 I am not recorded. I was present and voted "yea." I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### STATE TECHNICAL SERVICES ACT OF 1965

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 548 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 548

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3420) to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interstate and Foreign Commerce now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska [Mr. MARTIN] and pending that yield myself such time as I may consume.

Mr. Speaker, House Resolution 548 provides for consideration of H.R. 3420, a bill to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise. The

resolution provides an open rule with 2 hours of general debate, making it in order to consider the committee substitute as an original bill for the purpose of amendment.

H.R. 3420 would authorize a 3-year program of matching Federal grants to the States in a cooperative effort to disseminate the findings of science and technology throughout American business, commerce, and industry. The purpose of the proposed legislation is to speed industrial and economic growth of the States and the country through an improved application of technical and scientific knowledge. The achievement of an improved application of technical and scientific knowledge under this program and with the cooperation of universities, communities, and industries will to three objectives: First, strengthening the Nation's economy by upgrading industries through the utilization of advanced technology, thereby generally expanding the industrial base; second, increasing employment by facilitating industrial use of technology and the manufacturing of new products which result; and third, enhancing the competitive position of U.S. products in world markets.

The emphasis of the proposed legislation is on State participation in technical services programs, planned locally, and designed specifically to place findings of science and technology into the hands of local businesses and industries.

Mr. Speaker, I urge the adoption of House Resolution 548.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MARTIN of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. MARTIN of Nebraska. Mr. Speaker, as the able gentleman from New York has explained, House Resolution 548 provides for the consideration of H.R. 3420 under an open rule with 2 hours of debate. The committee substitute is made in order as an original bill for the purpose of amendment under the rule.

Mr. Speaker, none can quarrel with the stated purpose of H.R. 3420, to make available, essentially to small businesses, commerce, and industry, applied technical and scientific knowledge. The reported bill authorizes a 3-year program of matching Federal grants to the States in a cooperative effort to strengthen our economy, increase employment, and improve our competitive position in world markets.

To qualify for Federal matching funds a State must designate an agency responsible for the administration of its program. Such agency must then prepare a 5-year plan outlining how a technical services program could be used. The sum of \$25,000 a year in Federal funds for the first 3 years on a nonmatching basis can be made available to any State to assist in the plan preparation. All qualified institutions of higher learning are to submit proposals for consideration of inclusion in the State plan, which is to outline a budget and assign responsibilities to schools participating. The

Secretary of Commerce must approve submitted plans, based on reasonable criteria, and make funds available directly to the States. He has authority to fix maximum amounts based on population, industrial and economic development, and the technical resources and productive efficiency available within a State. He has informed the Committee on Interstate and Foreign Commerce that the smaller States may receive up to \$150,000 annually and the largest up to \$2 million. None can receive more.

The program has a life of 3 years and authorizations for fiscal 1966 of \$10 million, of \$20 million for 1967, and of \$30 million for 1968.

Additional views are signed by seven Members. They approve the purpose of the bill and generally support it but are worried by the lack of matching funds in the planning stages of the program. They fear this may tend to place the States in a secondary position during the planning period.

They also believe that before the program moves to the implementation stage a more careful assessment of State and regional needs must be made, and provisions made for active participation and cooperation with Federal programs now in existence; that is, Commerce Clearinghouse for Scientific and Technical Information and the Presidential Commission on Automation and Economic Progress among many, along with non-Federal efforts such as those of MIT and some 28 existing State university programs.

The program must be extended or die after 3 years, giving Congress a chance to assess its value and correct any difficulties. Moneys must be appropriated each year and a ceiling is fixed.

Mr. Speaker, I know of no opposition to the rule and urge its adoption.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

IN THE COMMITTEE OF THE WHOLE

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3420) to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3420, with Mr. ROBINO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I am very happy, with other members of the Committee on Interstate and Foreign Commerce, to bring this bill, H.R. 3420, to the attention of the House, and to urge favorable consideration of it.

In my judgment this is one of the most important bills that we have

brought to the House for its consideration.

Our entire future, as well as our past, depends on the strength of the economy and the economic growth of our country. This bill has for its purpose the strengthening of our economy, and it will give us opportunities for greater economic growth in order that we can improve under our system of free enterprise.

This bill was brought to us from the Department of Commerce. It is sponsored by the administration; it is considered to be one of the facets of our program to make a well-rounded approach to the problems that we are daily encountering.

The subcommittee held rather extensive hearings. The subcommittee was chaired by the gentleman from Massachusetts [Mr. MACDONALD]. The committee did an excellent job with the hearings, and in working out the bill in order to make it the kind of a program we were told was desired. I think it would be fair to say that as the bill came to us it was rather loosely drawn, if I might use that term.

We had some difficulties in analyzing it to determine just what would be accomplished under it. But after a full explanation and development during the course of the hearings of the program to be implemented, the subcommittee then proceeded to work out a good, practical, and sound bill to accomplish the purposes desired.

I would like to compliment the subcommittee highly for the very fine work it has performed and for bringing to the Committee on Interstate and Foreign Commerce and thus to the House what I consider to be a very fine bill.

At this time, Mr. Chairman, I would like to yield to the gentleman from Massachusetts [Mr. MACDONALD], chairman of the subcommittee who labored along with the other members of that committee and who did such a magnificent job in presenting here a program that I believe, after it is fully explained, will be overwhelmingly accepted by the House.

Mr. Chairman, I now yield to the gentleman from Massachusetts [Mr. MACDONALD] 15 minutes.

(Mr. MACDONALD asked and was given permission to revise and extend his remarks.)

Mr. MACDONALD. Mr. Chairman, H.R. 3420 which is now before the House for consideration is a broad and imaginative program which can be used to promote economic growth and increase employment throughout the United States. In addition to these two vital purposes, the bill has as its third major goal the improvement of the competitive position of U.S. products throughout the world.

As originally introduced, the bill called for the establishment of technical service programs whereby each State would have been able to organize programs primarily through land grant institutions and receive matching funds from the Federal Government without any fixed limitation as to the time such programs could run, and without any identified

sum as a maximum authorization on the part of the Congress. The Subcommittee on Commerce and Finance and later the full House Committee on Interstate and Foreign Commerce, in public and executive sessions, took a very close and careful look at these and the other provisions of the bill as originally sponsored by the Department of Commerce and the administration. I believe, and my belief is supported by the report and the hearings on this bill, that the substitute amendment which I wholeheartedly endorse here today, is a much more desirable bill than the one which was originally introduced.

The committee amendment should go a long way to meet the commendable purposes of the original bill, but it does not suffer from the failure to include limitations and reasonable controls which was a considerable problem when we first had the bill under committee consideration.

Before outlining for you the manner in which we amended and tightened the original bill, let me first describe in some detail just how the State technical services programs will operate.

A State which is to participate in the program will, through its Governor, designate an agency to administer the program. This agency may be a component of the State government or a State university, a land-grant college or any other appropriate agency. This designated agency will prepare a plan which will describe the technical and economic situation in the particular State. It will also describe the State's business and industrial problems and the means proposed to assist in the solution of such problems. The designated agency will prepare an annual technical services program which will cover the objectives for the first year. It will set up a budget and the responsibilities which are to be assigned to each qualified institution which is to participate in the program. The qualified institutions in turn are defined as those of higher learning with a program leading to a degree in science, engineering, or business administration. These schools must be accredited by a nationally recognized accrediting agency or association which will be listed by the U.S. Commissioner of Education.

A second form of qualified institution is a State agency or a nonprofit institution which meets criteria of competence established by the Secretary of Commerce.

Each State will have but one designated agency. However, as you can see from the description which I have just given as to qualified institutions, each State may have many such institutions.

Every qualified institution within a State must be invited to submit a proposal for that State's technical services program. This does not mean, of course, that every qualified institution will be a participant but it does mean that each such institution can have a voice in the creation and execution of the State programs.

When the Governor of a State which has a program submits the annual program and the State's overall plan to the Secretary of Commerce, the Secretary

will be required to review the plan, and where it is found to comply with the regulations and criteria set by the Secretary and to otherwise accomplish the purposes of the act, the plan will be approved.

Once in operation, there is a wide variety of technical services which might be offered by the various institutions participating in the program within a particular State. For example, a program oriented to the needs and problems of a specific industry dominant in one State might offer workshops, seminars, and demonstrations in order to bring existing technology to local business and industry interests for use in plants within the State. A technology dissemination and referral center could offer two types of services: First, technical reports, abstracts, bibliographies, reviews, microfilm, computer tapes and the like; and second, referral to sources of scientific and engineering expertise in the fields of interest to the local industry. These examples by no means exhaust the list of possible technical services that might be offered in any State program. The range of services can be as wide as the range of industrial and technological interests in this country.

There is also a provision for programs which may be administered, coordinated, and executed by two or more States. Similar procedures for approval of these interstate or multistate programs are provided for.

Contrary to the request and arguments of the Department of Commerce we have cut the Federal authorization back from a 5-year program to a 3-year program. Section 10 now provides for \$10 million for the first fiscal year, \$20 million for the second fiscal year, and \$30 million for the third fiscal year. The Department had sought a fourth and fifth year, each at a \$40 million level.

The Secretary of Commerce will be authorized to make an annual payment to each designated agency, participating institution, or person authorized to receive payments in support of each approved technical services program. Maximum amounts will be fixed, and population, business, commercial, industrial, and economic development, and productive efficiency, as well as the individual State's technical resources will be used as criteria in the formulation of regulations.

We have been advised by the Department and it is part of the report—page 23—that the least populous State may receive an annual amount up to \$150,000, and that the most populous State will not receive an annual amount exceeding \$2 million. From the total amounts available, there is a provision, section 10, which would allow the Secretary to reserve up to 20 percent each year, and to make payments from this 20 percent reserve to any designated agency or participating institution for technical services programs which the Secretary determines have special merit, or he may within the limits of this reserve, make payments to any qualified institution for additional program which the Secretary determines are necessary to accomplish the purposes of this act.



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The previous question was ordered. The conference report was agreed to. The SPEAKER. The Clerk will report the amendment in disagreement. The Clerk read as follows:

Senate amendment No. 8: Page 7, line 13, insert the following:

## "GENERAL PROVISION

"Sec. 201. The provisions of section 207 of the Department of Health, Education, and Welfare Appropriation Act, 1966, Public Law 89-156, shall apply to the items contained in this chapter."

Mr. FOGARTY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FOGARTY moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein.

The motion was agreed to.

A motion to reconsider the vote on the conference report and on the motion to recede and concur in the Senate amendment was laid on the table.

## COMMITTEE ON PUBLIC WORKS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight tomorrow, September 10, to file the report on the bill S. 2300, the omnibus river and harbor and flood control bill of 1965.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

## [Roll No. 270]

Andrews,	Fuqua	Pirnie
George W.	Gathings	Powell
Ashbrook	Griffin	Purcell
Baring	Griffiths	Reifel
Berry	Hagan, Ga.	Resnick
Bolton	Hanna	Rhodes, Ariz.
Bonner	Hansen, Wash.	Roncalt
Cameron	Harris	Roosevelt
Cederberg	Harsha	Rumsfeld
Chief	Hawkins	Ryan
Clawson, Del	Hébert	Saylor
Craley	Hungate	Schmidhauser
Culver	Jones, Mo.	Sisk
Daddario	Kee	Smith, Iowa
Derwinski	Kornegay	Smith, N.Y.
Dow	Lindsay	Thomas
Duiski	Long, Md.	Toll
Duncan, Oreg.	McClory	Utt
Farnsley	Mathias	Wilson
Fisher	May	Charles H.
Flood	Murray	

The SPEAKER. On this rollcall 371 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## FOREIGN SERVICE ACT AMENDMENTS OF 1965

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution as follows:

## H. Res. 563

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6277) to amend the Foreign Service Act of 1946, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(Mr. MADDEN asked and was given permission to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, House Resolution 563 provides an open rule with 2 hours of general debate for consideration of H.R. 6277, a bill to amend the Foreign Service Act of 1946, as amended, and for other purposes.

The primary objective of H.R. 6277 is to facilitate the establishment of a single personnel system within each of the three agencies most actively engaged in foreign affairs—the Department of State, the U.S. Information Agency, and the Agency for International Development. It deliberately excludes all other departments and agencies. These three agencies conduct their activities under two personnel systems—one operating under civil service laws and the other under the Foreign Service Act. The ground rules governing appointments, assignments, promotions, separation, and retirement are different for each system and, to some degree, for each of the agencies. The existence of dual personnel provisions denies the head of each agency the most effective use of the manpower and resources the Congress has voted him.

This bill adds neither jobs nor personnel to the payroll. More positions and more people will not solve administrative difficulties. This bill is based on the premise that voluntary transfer into the Foreign Service personnel system of those now employed under civil service provisions is the most equitable way to effect a transition from a dual to a single personnel structure. It also permits the development of uniform personnel policies among the three agencies while leaving to the heads of those agencies the management control of their own people. Thus it seeks uniformity without unification. In the sense that the bill enables officials to meet their enlarged and complex responsibilities with greater efficiency and a maximum use of their manpower it may be regarded as an economy measure.

H.R. 6277 also includes a small number of amendments to the Foreign Service Act and to other laws that improve the conditions of service for those assigned overseas.

Mr. Speaker, I urge the adoption of House Resolution 563.

Mr. SMITH of California. Mr. Speaker, I yield myself as much time as I may require.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. SMITH of California. I yield to the gentleman from Virginia [Mr. BROYHILL].

(Mr. BROYHILL of Virginia asked and was given permission to proceed out of order.)

Mr. BROYHILL of Virginia. Mr. Speaker, there is no subject that has been before the House of Representatives in recent years that has had as much coverage by the local press as the current home rule controversy. No subject has been misrepresented as often by the local press as that subject. I have two recent examples here which appeared in the Washington Post. One is an article of September 8, referring to the report of the House District Committee on this subject, wherein we reported that in addition to the Federal payment the Federal Government spends \$176 million here for various grants and programs, including highway construction. Here is what the Washington Post said, and I quote:

What the report does not point out is highway construction money, impact school aid funds, urban renewal, civil defense, and other funds included in the total are part of Federal aid programs available to all qualifying jurisdictions in the country.

In two places in our committee report we make reference to the fact that some of that money is similar to that which is granted in other communities of the Nation, but there is \$72 million worth of programs peculiar to the District and which does not apply to similar programs in other parts of the country. In fact, in exhibit I in the report, we actually listed the expenditures, item for item, in two categories. How could a newspaper go so far to misrepresent the facts.

Here is an editorial which appeared in the Washington Post yesterday where they said, in part, referring to the Federal payment:

The fear that this procedure will be an invitation to the city to tax the Federal Government is misplaced for two reasons. First, the Government would appraise its own property and the assessment would be entirely in Federal hands.

That is completely a downright lie, because the bill provides that the Director of the General Services Administration shall certify the District of Columbia Council's assessment of Federal property. It says nothing about their making any appraisal or assessment. Thus, the Federal Government would in no way be appraising its own property nor would the assessment be entirely in Federal hands.

This is typical of some of the lies the Post is putting out to misrepresent this problem and the pending legislation to the Members of the House of Representatives and to the public.

Mr. Speaker, I should like to insert in the Record at this point a clipping from the Washington Post on the first matter

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to which I referred and an extract from House report No. 957, which proves the type of misrepresentation about which all of us should be concerned:

[From the Washington (D.C.) Post, Sept. 8, 1965]

In addition to the Federal payment, the Government spends \$176 million here for various grants and programs including highway construction.

What the report does not point out is that highway construction money, impact school aid funds, urban renewal, civil defense and other funds included in the total are part of Federal aid programs available to all qualifying jurisdictions in the country.

The truth, extracted from House report No. 957:

## EXHIBIT 1. FEDERAL EXPENDITURES IN THE DISTRICT OF COLUMBIA

*Expenditures of Federal funds in the District of Columbia, exclusive of Federal payment of the District of Columbia general fund, fiscal years 1964 and 1965*

[In thousands of dollars]

	1964 actual	1965 estimate
<b>I. PAYMENTS BY FEDERAL GOVERNMENT TO OR FOR THE DISTRICT OF COLUMBIA</b>		
Grants for redevelopment and renewal (HIFA).....	8,908	18,186
Urban renewal demonstration project (HIFA).....	206	286
Mass transportation demonstration project (HIFA).....	41	87
Administrative expenses, District of Columbia Unemployment Compensation Board (Labor).....	1,806	1,900
Civil defense procurement (DOD).....	85	118
Cooperative vocational education allotments (HEW).....	186	137
Advances for disability determinations (HEW).....	116	96
Grants for services for maternal and child health, crippled children, and child welfare (HEW).....	681	782
Grants for programs in disease prevention, treatment, and control, mental health activities, and other public health work (HEW).....	730	1,384
Grant for demonstration project for community mental health centers (NIH).....		400
Grants under Social Security Act for aid to the disabled, dependent children, the blind, and for old-age assistance (HEW).....	10,909	10,298
Grants for manpower development and training activities (HEW).....	647	514
National Defense Education loans and grants (HEW).....	124	100
Advances under vocational rehabilitation program (HEW).....	621	596
Advances for school lunch and milk programs (Agriculture).....	709	802
Federal-aid highway program (Commerce).....	30,402	60,110
Aid to federally impacted school districts.....		4,100
Grant to Neighborhood Youth Corps (Labor).....		2,214
Grants to juvenile delinquency control program: To United Planning Organization (HEW).....	225	1,600
To model school program (Office of Economic Opportunity).....		600
Total.....	66,676	104,150
<b>II. SERVICES PROVIDED BY THE FEDERAL GOVERNMENT IN THE DISTRICT OF COLUMBIA THAT ARE ESSENTIALLY LOCAL IN NATURE</b>		
NCTA (approximately 75 percent of currently proposed transit system is in the District of Columbia).....	750	875
Freedmen's Hospital.....	3,880	4,038
Commission of Fine Arts (approximately 50 percent of workload relates to the District of Columbia generated projects).....	45	60
National Capital Housing Authority.....	43	37
National Capital Planning Commission (approximately 25 percent of workload relates to the District of Columbia generated projects).....	137	155
St. Elizabeths Hospital (difference between cost of service to the District of Columbia residents and amount reimbursed by the District of Columbia).....	3,729	5,510
George Washington University Hospital (construction).....	2,600	
Gallaudet College.....	4,641	2,283
Howard University.....	15,064	11,653
Smithsonian Institution.....	43,367	46,001
U.S. National Park Service (expended in the District of Columbia only).....	2,700	2,950
Total.....	76,856	72,162
Grand total.....	133,432	176,312

Sources: U.S. Bureau of the Budget, U.S. National Park Service, and United Planning Organization.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use. (Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from Indiana [Mr. MADDEN], House Resolution 563 provides an open rule with 2 hours of general debate for the consideration of H.R. 6277, Foreign Service Act Amendments of 1965.

Mr. Speaker, I listened to the explanation of the rule by the gentleman

Exhibit No. 1 lists the expenditures of Federal funds in the District of Columbia, exclusive of the annual Federal contributions to the District of Columbia general fund and to the city's water and sewer funds, for fiscal years 1964 and 1965. This compilation reveals that such expenditures reached a total in excess of \$176 million in fiscal year 1965; further, while some of these payments are similar in nature to grants made to the various States, more than \$72 million of this total was spent on programs and projects which are not duplicated in any other jurisdiction. When this amount is added to the \$40 million appropriated in 1965 to the District of Columbia funds mentioned above, certainly there can be no justification for any allegation of "neglect" on the part of the Congress.

eralized, and allowances of up to 50 percent of basic pay are made available to those serving in areas subject to hostile activity or physical danger.

Mr. Speaker, this is, as I understand, an administration request. The committee informs us that they spent a long time on the hearings and have added possibly as many as 75 amendments to the bill. They openly stated in all honesty and fairness that this is not a perfect bill but that they think it is a step in the right direction to improve the Foreign Service.

I rather anticipate that many Members have received telegrams, as I have, from various veterans' organizations which object very seriously to eliminating the veterans' preference. In consideration of that, the committee members stated that the veterans' preference is not omitted so far as those in the service presently are concerned; that there is a grandfather clause, and if Members would like to refer to that, it is set forth at the bottom of page 16 and the top of page 17: "except that no officer or employee shall, without his written consent, be transferred under this section."

As I understand that, Mr. Speaker, nobody in the service at the present time may be required to go overseas or give up his preference unless he so requests in writing and desires to do so. It will apply, however, to those in the future who are hired. They may all then be sent overseas.

The committee states that this is a step in the right direction.

Mr. Speaker, I know of no objection to the rule.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the gentleman I am sure must know that the reason for this bill is to abolish the Class Act within the State Department and practically all the protective provisions that go with the Class Act. I am sure the gentleman must know that there will be pressure exerted to get employees out of the Class Act and into the Foreign Service. Knowing some of the workings of the State Department, and I am sure the gentleman knows them, too, they are going to get this move made just as rapidly as they can and use all the pressure they can to accomplish that end.

So that whatever indirect and alleged protection there is I say to you that it has little or no meaning.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I wish to make this observation to those who are present. This is going to be a very controversial piece of legislation. I happen to be proud to be a member of the Committee on Post Office and Civil Service. I am proud of the civil service system that we have. In my opinion and in the opinion of members of our committee on both sides of the aisle, who will speak later, this is a direct slap at our civil service system and it can have very dire consequences.

from Indiana. I concur and agree with the statements the gentleman made and associate myself with them. In addition, may I add the following information, Mr. Speaker.

H.R. 6277 includes certain amendments which will improve conditions of service for those assigned overseas. These include continuation of medical services beyond the date of death or separation. A 120-day period of treatment for employees and their dependents is permitted from his death or separation. Annual and sick leave benefits are lib-

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So, Mr. Speaker, we shall bring out our objections to this legislation as we go into general debate. I think this legislation is a step backward. I think it is poor legislation. It certainly must be poorly drawn with 75 amendments already put into this bill since it was introduced originally.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Speaker, I would say in response to what the gentleman from Nebraska has said about the possible damage to the civil service system that if Members will read the record of the hearings they will find that the Honorable John Macy of the Civil Service Commission was very strongly in favor of this type of legislation. I think it is not saying too much to say that without the very strong support of Mr. Macy we would not have brought this legislation to the floor of the House today.

Mr. SMITH of California. Mr. Speaker, may I simply add that no objections were presented to the rule before the Committee on Rules. I know of no objection to the rule itself although there may be some to some parts of the bill.

Mr. Speaker, I have no further requests for time.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### UNITED NATIONS PARTICIPATION ACT AMENDMENTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 562

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1903) to amend the United Nations Participation Act, as amended (63 Stat. 734-736). After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to reconsider.

(Mr. MADDEN asked and was given permission to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], and pending that

I yield myself such time as I may consume.

Mr. Speaker, House Resolution 562 provides an open rule with 1 hour of general debate for consideration of S. 1903, a bill to amend the United Nations Participation Act, as amended (63 Stat. 734-736).

Section 1 of S. 1903 proposed to revise section 2 of the United Nations Participation Act to provide flexibility in the assignment of persons appointed to represent the United States in the principal organs of the United Nations and in such organs, commissions, or other bodies of the United Nations as are concerned with nuclear energy or disarmament—control and limitation of armament.

These changes make no provision for additional personnel. Neither do they diminish the confirmation requirements in the present act. What is involved in section 1 is merely greater flexibility in making assignments.

The changes in the law proposed in the first section will provide the principal U.S. representative to the United Nations with increased authority to assign duties to his colleagues, thereby promoting more effective utilization of the top personnel at the U.S. mission to the U.N.

The amendment contained in the second section will provide statutory authority for the existing position of the U.S. representative to the European Office of the U.N. in Geneva.

Mr. Speaker, I urge the adoption of House Resolution 562.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, House Resolution 562 does provide for 1 hour of open debate for the consideration of S. 1903, the United Nations Participation Act.

Mr. Speaker, the purpose of the bill is to enable the U.S. Ambassador to obtain more flexibility in the assignment of duties to his mission staff, thus promoting better utilization of our top personnel in the mission; and to provide statutory authority for the already existing, since 1960, position of the U.S. representative to the European office of the U.N. at Geneva.

With respect to the first objective, statutory provisions have been found to be too confining, limiting the amount of delegation of responsibility possible by our Ambassador.

The changes proposed by S. 1903 will permit him to organize his staff and assign duties as he deems necessary to best accomplish his mission.

Since 1960 the United States has maintained at Geneva a representative with the rank of Ambassador. This has been done without a statutory basis, now proposed under the bill. Twenty international organizations are housed there in addition to 56 resident missions. The bill authorizes the President to ap-

point, at appropriate rank, a representative at Geneva.

Presently only three of the five members can be so assigned. This will permit the Ambassador to assign any five of them. As I understand it, no new personnel will be needed to carry out the provisions of this bill.

I know of no objection to the rule.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### FOREIGN SERVICE ACT AMENDMENTS OF 1965

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6277) to amend the Foreign Service Act of 1946, as amended, and for other purposes.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6277) with Mr. MOORHEAD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HAYS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, as was stated during the discussion on the rule, this bill is primarily to set up a single personnel system within each of the three agencies most actively engaged in foreign affairs—the State Department, U.S. Information Agency, and AID. It deliberately excludes all other departments or agencies.

Before I explain the bill I would like to say the subcommittee of which I have the honor to be chairman worked long and hard on the bill. We had a number of hearings. We had a large number of executive markup sessions. The views of every single person on the subcommittee were considered.

I want to pay particular tribute to the gentlewoman from Ohio [Mrs. BOLTON], and the gentlewoman from New York [Mrs. KELLY], both of whom I believe attended every single session and who made a very great number of constructive suggestions.

I also want to pay tribute to the gentleman from Indiana [Mr. ADAIR] who also, I believe, attended every session and was a tower of strength so far as picking out the flaws in the language which was sent up from downtown.

I also want to mention the gentleman from California [Mr. MAILLIARD], the gentleman from Massachusetts [Mr. MORSE] who likewise were extremely helpful and, especially, I would like to mention the gentleman from Wisconsin [Mr. THOMSON], former Governor of that State, whose long administrative



experience led him to make suggestions which were very helpful to the subcommittee.

On the other side, the gentleman from Wisconsin (Mr. ZABLOCKI) and the gentleman from New York (Mr. FARBER) attended the meetings when they could because they were both holding hearings in another subcommittee.

Also I wish to mention the gentleman from Connecticut (Mr. MONAGAN), the gentleman from Alabama (Mr. SELDEN), the gentleman from Minnesota (Mr. FRASER), and the gentleman from New York (Mr. ROSENTHAL), all of whom scrutinized each provision and sought to write a better bill. We had every single member of the subcommittee at some time or other make suggestions for improvement of the bill.

We added 75 amendments. We rewrote the bill. We took the documents sent from the executive branch as a working paper. We held hearings, we listened to employee groups, we tried to write legislation that would improve the Foreign Service and at the same time to the greatest extent possible protect the interests of the employees.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. O'HARA of Illinois. I have observed, of course at a distance, long hours and many days that the gentleman's subcommittee put in on this matter. How many days did your subcommittee put in on this matter?

Mr. HAYS. My recollection is that the subcommittee had eight sessions to hear witnesses. We spent 6 days in executive markup. In addition we had numerous informal meetings with officers from the executive branch as well as individual employees and representatives of interested groups such as employees unions and veterans groups.

Mr. O'HARA of Illinois. And in addition to that I would rather imagine the members of the subcommittee, the chairman and others have spent almost endless hours in doing their homework.

Mr. HAYS. I would say to the gentleman that I hope we have done our homework. Each of us has spent a good deal of time on this. Again I would remind my colleague that all of us had numerous meetings with employee groups and their officials in conferences which were not regularly called or scheduled sessions. There was never a time that they called the office of any of us and asked to talk to us about the bill but they were received and they talked to us.

Mr. O'HARA of Illinois. I am taking this time and doing so a little bit hesitantly, but I do think it serves a public interest that not only the Congress should know but that the American public should know how many hours and how many days and how much hard work goes into the preparation of a measure of this nature. I thank the gentleman and commend him and compliment him.

Mr. HAYS. I appreciate the gentleman's remarks and thank him for his expression of appreciation. I am glad the gentleman brought this matter out.

I would like to say to my colleagues that when this bill came up from the Executive, it included a mandatory proposal calling for the transfer of civil service employees within a period of 3 years into the Foreign Service category. What precedent was there for this proposal? Every single commission that has studied the problem of our Foreign Service personnel has recommended an amalgamation of the civil service personnel with the Foreign Service starting with the Hoover Commission in 1949 on which our late distinguished colleague and my late good friend, the gentleman from Ohio, Mr. Brown, served. I believe the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of our committee, was on the staff at that time. Let me read a brief extract from the report of the task force of the Hoover Commission:

The consolidation (of the Foreign Service and the Department service) should be gradual in order not to weaken the morale and the present high quality of the Foreign Service or discard too abruptly many civil service employees of long service. It should however be mandatory and progressive, under legislative enactments which cannot be avoided by unsympathetic administration and which contemplates a complete consolidation within about 5 years.

The Rowe-Ramspeck-DeCourcy Committee in 1950 made a similar recommendation. This may be found on page 10 of the committee report.

The Herter Committee in 1962 headed by a former distinguished Member of the House and a former Secretary of State recommended the same thing.

But did the committee go that far and that fast? No, it did not.

The committee decided that it ought to lean over backward to make this adjustment as easily as possible. We wrote into the bill language which says that nobody employed under civil service in each of the three agencies may transfer only if he wants to transfer. He can stay on beyond the Foreign Service retirement age of 60 years to age 70 which is the civil service retirement age. If he does not transfer, he retains all benefits that he has.

The provisions that we have written into the bill will take a lot longer to accomplish what the executive wants to accomplish and what the committee unanimously thinks must be accomplished. But we thought we would go all the way in protecting these people from what the gentleman from Iowa calls pressure.

Let me talk a bit about this pressure. The gentleman says there is going to be pressure exerted on these people to force them to transfer. I would say to you, ladies and gentlemen, I do not know of a single department in the Government that has more thorough legislative oversight than the Department of State. My subcommittee is looking down its neck all the time. I only need to hear one—just one attempt to pressure somebody—and the Department will regret it. I do not think the Department will try it. This will be voluntary on the part of present employees. New employees will come in under the new ground rules.

They will now know that when they go into the Foreign Service category. They know that they are subject to selection out. What is selection out?

In the Committee on Rules, the distinguished gentleman from Virginia with his inimitable wit and wisdom said:

That is another word for firing; is it not?

I admitted that is what it is.

But how can anyone be selected out under the present Foreign Service system? He must be in the lowest 10 percent of his class in any 3 years that he is in that class before he is even eligible to be selected out. But I wish to point out to the Members—and I wish the Chamber were full of Members—there is no department that gets kicked around more than does the State Department, but when we try to do something to make it a better Department, then we are met with many objections. We are told, "You are attacking the civil service". We are not doing any such thing.

In fact, one of the witnesses before the committee told me what a terrible thing we were doing and how he would prevent it. I said, "Really, my friend, if you have so much faith in the civil service, and you throw as much weight around as you think you do, why don't you get one of your friends to introduce a bill applying the civil service to the office of every Congressman?"

If it is good for every agency in the world, it ought to be good for congressional offices.

I am not an enemy of the civil service. I have voted for every single raise in pay they have asked for since I have been here. I have voted for improvements in it. But the State Department Foreign Service is, or should be, an elite service. This little group of people are the ones who make the decisions. They decide whether or not we will put that \$50 billion a year war machine over at the Pentagon into high gear, or whether we will let it stand there with its motor idle.

The taxpayers of the United States—yes, the citizens of the United States—the boys and girls of the United States—deserve the best State Department we can get, because, in effect, it is deciding their future.

There has been no person in the Congress who has been more critical of the Department than I have. But I have tried to be constructive in my criticism, and when I criticize, I try to point out an alternative way to do the job better.

I do not claim that the bill is perfect. The Foreign Service Act of 1946, which was worked on by Mr. Richards of South Carolina, and my colleague from Ohio, Mr. Vorys, was not perfect. They did not claim it was. But it has gone along and we are trying to improve it. That is what we are attempting to do.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mrs. KELLY. Mr. Chairman, I feel that I must compliment our chairman for the magnificent job which he has

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done in endeavoring to perfect our system of Foreign Service and I shall continue to believe that the amendments in this bill will strengthen our Foreign Service and not impair the civil service.

I should like to ask a question of the gentleman from Ohio. Does the gentleman not think that the bill would protect those individuals who transfer from the civil service to the Foreign Service system?

Mr. HAYS. I do, because there are several conditions written into the law; first, they do not have to transfer unless they want to; second, even if they transfer, they cannot be sent overseas unless they indicate that they are willing to go overseas.

I leave it to the gentlewoman to determine whether we have not leaned over backward until we almost touch the ground with our heads to protect the people who are in civil service. We have given them a number of options. These are spelled out on page 12 of the report. If they do not elect to transfer, they can stay where they are.

Mrs. KELLY. As to those who are presently in the Foreign Service but under civil service regulations, is it not true that he will not lose his veteran's preference?

Mr. HAYS. He will not lose his veteran's preference under any circumstances unless he elects to transfer to the Foreign Service system. But if he really believes he has to have veteran's preference to maintain his position, my advice to him would be not to transfer, and he does not have to.

Mrs. KELLY. Is it not true, also, those who are presently in the civil service and do not transfer to the Foreign Service do not lose any right whatsoever as far as their appeals or retirements go, if they so choose?

Mr. HAYS. They maintain all the rights they presently have up to the age of 70, the mandatory retirement age unless he retires earlier.

Mrs. KELLY. Is it not true, also, that the Foreign Service has always been a merit system just as the civil service is?

Mr. HAYS. I think so. I think selection out is a merit system. Yes.

Mrs. KELLY. And no one will be denied a promotion if they do not select it?

Mr. HAYS. Absolutely and categorically, no one will be denied a promotion.

Mrs. KELLY. I thank the gentleman.

(Mrs. KELLY asked and was given permission to revise and extend her remarks.)

Mr. MORRIS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New Mexico.

Mr. MORRIS. I want to say to my good friend, the distinguished gentleman from Ohio [Mr. Hays], that I am certainly in agreement with what he is trying to do. He has performed a great service to the country, I think.

There is a question I would like to ask concerning this veteran's preference. I had a telephone call the other day from the adjutant of the DAV in New Mexico. He seemed to feel—and I think it was erroneous, but it was his feeling—that this bill might be the beginning and a precedent-setting piece of legislation for

the breakdown of the veteran's preference system.

Mr. HAYS. I can say to the gentleman that it is no such thing. There is no such intention, and at the proper time the gentleman from Indiana [Mr. ADAIR], I have been informed, will offer an amendment which says that it is the sense of Congress that the veteran's preference system shall be maintained and this sets no precedent in any way, shape, or form.

Mr. MORRIS. I thank the gentleman.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I think the answers given by the gentleman from Ohio to the questions submitted by the distinguished gentlewoman from New York and the gentleman from New Mexico have answered most of the substantive questions I had in mind concerning this legislation. However, for the RECORD I would like to emphasize one point, if I have understood the gentleman correctly.

The point is that under this legislation no veteran's preference or veteran's right is extinguished or reduced in any way for any employees of the State Department now in the service of the State Department. Is that correct?

Mr. HAYS. Categorically, the answer to the gentleman's question is that none is reduced in any way whatsoever, to any employee as of today or as of the effective date of this legislation, if it be enacted and signed into law.

Mr. EDMONDSON. Following up that thought just a step further, if I understand the effect of the amendment of the gentleman from Indiana [Mr. ADAIR], which is to be submitted, the effect will be to enlarge the veteran's preference or extend it into an area of employment in the State Department where it does not now exist. Is that correct?

Mr. HAYS. Under the language of the gentleman's amendment it could have that effect.

Mr. EDMONDSON. I thank the gentleman.

Mr. ADAIR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I should like to join the gentlewoman from New York in what she had to say concerning the activities of the chairman of this subcommittee, the gentleman from Ohio [Mr. Hays]. He was patient and tolerant and invited comment and discussion to the very fullest possible extent. I should say to members of the committee that he did everything possible to try to permit us to bring before this committee and this House today a good and proper bill.

Mr. Chairman, it is usual, when a committee has made numerous amendments to a bill, to bring to the House a clean bill. In reporting out this measure the Committee on Foreign Affairs chose not to do that. The reason is simple. As it was introduced, H.R. 6277 drew criticisms from a number of sources. In the course of our deliberations we took into account many of these criticisms. We wrote in some new provisions and we amended or

deleted provisions in the original bill. I know that many Members of Congress have received communications critical of some part or parts of the original bill. In order that Members may readily identify the changes made by the committee we reported the original bill with amendments.

There are 75 amendments. Admittedly, a number of them are technical, clerical, or conforming amendments. But there are also very basic substantive amendments.

The underlying purpose of many of the amendments is to enable the three principal foreign affairs agencies—State, USIA, and AID—to operate under a single personnel system rather than, as at present, under a dual personnel system. Let me state that the concept of a single personnel system represents the judgment of numerous official and unofficial bodies that have studied the personnel problems of our overseas agencies. Our report highlights some of the principal studies on this subject starting with the Hoover Commission in 1949. That body, under the able direction of our former President, included Members of both Houses of Congress as well as distinguished private citizens. One Member from this body who served with great distinction was the late Clarence Brown, of Ohio.

The Commission operated through a series of task forces, one of which concerned itself with foreign affairs. On the staff of the latter was a man who is now a most respected Member of this body, the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Quite clearly, what we are recommending in this bill is not a unique concept. The only unique feature is that this is the first legislative effort to give effect to the numerous recommendations on the matter of a single personnel system.

Two provisions in the original bill were the subject of concern and criticism. I want to discuss these briefly and make clear to the House what the committee did in each instance.

Under the original bill it would have been possible for the President to authorize the transfer into appropriate categories and classes of the Foreign Service such civil service personnel "as he may designate of other Government agencies who are engaged in foreign affairs functions." It is difficult these days to find some part of some agency that is not engaged in a foreign affairs function. We heard from agency officials and from other congressional committees, all of whom expressed an understandable concern about the implications of the language. We had some letters from workers in munition depots who feared they might wind up in the Foreign Service, apparently on the assumption that at least some of the munitions they handled went abroad. I think I can assert with certainty that no one contemplated the extension of the Foreign Service personnel system throughout the Government. Section 29 of the amended bill specifically limits its application to the three major foreign affairs agencies named in the bill—State, AID, and USIA.

Civil Service employees and veterans groups saw in the transfer from the civil service personnel system to the Foreign Service personnel system a loss of the rights they enjoyed under civil service laws and veterans' preference laws. Their concern was understandable. The Foreign Service system is not wholly compatible with either civil service or with veterans' preference. It relies on selection boards that identify annually the top people in a particular class who should be promoted as well as the most marginal who should be selected out. Civil service people who have a more guaranteed tenure find the annual evaluation process very disturbing.

The committee deliberated long and hard to find an equitable approach that would take into account the interests of those covered by civil service and veterans' preference and at the same time that would permit a start toward a single personnel system operated under the provisions of the Foreign Service Act. I think we have achieved such an approach in this bill. Simply stated, present civil service employees may elect to transfer to the Foreign Service system. In making such an election, they will weigh the advantages and the disadvantages of a transfer including a consideration of their civil service status and any privileges they may enjoy under veterans' preference. The choice is theirs. I call the attention of the House to page 12 of our report in which we set forth the safeguards and incentives to civil service personnel that we have written into this bill. If an individual elects to transfer to the Foreign Service system, any rights he may have under civil service laws and veterans' preference will be inoperative so long as he is in that system. If he later moves to an agency whose employees come under civil service, both his civil service rights and veterans' preference advantages will again be available to him.

After the enactment of this bill all new appointments will be made under the provisions of the Foreign Service Act as amended.

For many years I have supported veterans preference legislation. I firmly believe in it. For that reason I can readily understand the concern of veterans that this appears to be a departure from a well-established congressional policy. I gave considerable thought to my own position on this provision of the bill before deciding to support it.

By law individuals appointed by the President with the advice and consent of the Senate do not have veterans preference. This is the case of all Foreign Service officers. Under this bill foreign affairs officers in classes 1, 2, and 3 would also be Presidential appointees subject to Senate confirmation. While foreign affairs officers in classes 4 through 7 would not be subject to Senate confirmation, they would be competing with Foreign Service officers, many of whom are veterans but do not enjoy veterans preference. This in itself would create a serious morale problem. Further, the whole emphasis of this bill is to develop a personnel system where the personal qualifications of the individual

will be the determining factor in appointments, advancement, and retention.

The question may well be asked: Is this a precedent for further encroachments on veterans preference? My answer is loud, clear, and unequivocal—no, it is not. We are confronted here with a situation that is unique, one not faced by other agencies of Government that have a single personnel system in which civil service provisions and veterans preference provisions operate. I see no justification for any changes in these provisions. I would strenuously oppose, as I am certain most Members of this House would, any attempt to modify or weaken these provisions.

It is not always understood that the Foreign Service is as much a career system as is the civil service system. It has been so since 1924. In 1946 when the basic Foreign Service Act was written, the members of our committee from both parties were insistent that it be a merit system. In the bill now before the House we were anxious to continue and to strengthen the merit principle. We took care to insert in section 13 of the bill a provision that all future appointees as foreign affairs officers and reserve officers must qualify by an examination process. We cannot spell out in legislation the precise subjects upon which an individual is to be examined; that will depend upon his special field as well as his level of competence within the field. But we do insist that there be examinations that are meaningful and objective and that appointments not be made on the basis of political patronage.

Mr. Chairman, it should be understood by the House that the issues presented in this bill do not turn on any partisan approach. They are unrelated to any issues of foreign policy. They are concerned with the machinery by which policy may be developed and implemented. This bill came out of the subcommittee unanimously. It received the overwhelming vote of members of both parties in the full committee.

If the principle of a single personnel system, so well established in other agencies of Government, is a sound one, then it is no less valid for the foreign affairs agencies. That is what this bill seeks to accomplish. In our efforts to effectuate a single personnel system, we have been unusually solicitous of those employees who have rendered, and are rendering, a high level of performance in the discharge of their duties. We want them to stay in Government service. We have taken every precaution to protect their personal interests. We have weighed the value of their service to our Government against the larger national requirements that would permit the more effective utilization of their talents. It is my belief that any organizational pattern is worth little or nothing if it is indifferent to individuals. That concern was uppermost in the minds of the committee during the drafting of this bill. I think we have succeeded. I urge the House to adopt this bill.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. Some of us are now quite confused as to what the gentleman's amendment regarding veterans' preference will be. The gentleman from Ohio indicated it not only would be applicable in all phases, but the result of the gentleman's amendment might be extended into fields where it is not now utilized.

Mr. ADAIR. The effect of the amendment I propose to offer would be to say that as a policy, wherever it is possible, not violating other rules and laws which will be established if this bill becomes law, but to the extent practicable, veterans' preference shall be taken into account. That would involve, as I said in my prior remarks, a weighing of very many factors, a weighing of the fact there are now in the Foreign Service, people who are veterans, but who are not benefiting by any veterans' preference. If we were to give some people in the Foreign Service veterans' preference while at the same time it is not available to others, that would certainly constitute a serious morale problem. It is my opinion that the effect of my amendment would simply be to say to the extent practicable in the employment of officers and employees of the Foreign Service they take into account the fact this applicant or that applicant is a veteran. To that extent I would agree with what the gentleman from Ohio said, it does nothing about an extension of veterans' preference.

Mr. CORBETT. The gentleman also stated he was very anxious to preserve and protect the rights of everybody he could.

Mr. ADAIR. Every individual in the Government service according to his merits. That is not only my point of view, but I think it is the point of view of all members of the subcommittee.

Mr. CORBETT. How does stripping 20,000 people of their civil service rights help achieve that objective?

Mr. ADAIR. I will say to the gentleman, as has been said earlier this afternoon, no one is stripped of any rights, who is now in the civil service, unless he himself elects to forgo those rights.

If he says, "Yes, I see an advantage in my transfer to another category as a Foreign Service officer," he does so with the full knowledge that he is giving up those rights. He makes that decision himself. No one makes it for him. No one forces him to do it. Should after a period of years he revert, as I said, to a position in which the civil service and/or veterans preference rights do apply he would again be clothed with that protection. This is a matter for people now covered by civil service to decide entirely at their own option. Of course, people coming in hereafter will be expected to come in under the new ground rules that we are trying to establish.

Mr. CORBETT. They will not be under the civil service in any case?

Mr. ADAIR. They will be under the new Foreign Service which we are, as I say, trying to establish as a system somewhat parallel and in many respects, but not all, copied after the civil service system. I will say further to the gentleman that when John Macy was before our



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committee, and I said this earlier this afternoon, he gave a very strong statement which the Members can find in the record of the hearings in support of this type of thing. He indicated very clearly, he thinks for the benefit of our Government, it is highly desirable and for the benefit of us as individual citizens, it is highly desirable for us to establish a Foreign Service system more separate and distinct than the one we now have.

Mr. CORBETT. I greatly admire the Civil Service Commissioner but he often does serve under one or two hats and not always the Civil Service Commission. But here when you do hire these new people and they go into the Foreign Service instead of under civil service, then they come up against the matter of appeals if they are removed or are not promoted. Their only right of appeal is within their own department to their own superiors; is it not?

Mr. ADAIR. They have all the rights and protections that are available under the Foreign Service Act.

Mr. CORBETT. That is possibly to people in the same level who have originally graded them or condemned them for some act. In other words, there is no outside review of the facts of their cases.

Mr. ADAIR. In that respect I would say to the gentleman, we wrote a special provision in this bill, section 30, that if a man thinks he has had unfair or adverse reports as to the discharge of his duty or as to his conduct, he can request the chief of mission to make a direct report upon him if there is possibly a bad report or report with which he does not agree.

Mr. CORBETT. But to no outside agency. He cannot go to any court or the Civil Service Commission or anything else.

Mr. ADAIR. Certainly he should be controlled. He has the same safeguards and he is subject to the same restrictions as people now and hereafter in the Foreign Service. I think what the gentleman is saying is exactly what we are trying to say. We are attempting to build a separate and distinct Foreign Service.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. HAYS. I would like to point out to the gentleman, if the gentleman will yield, that selection out system is a merit system. Nobody can ever be touched under this system as long as he stays not in the top one-third, not in the top two-thirds as you have to be to stay in college these days—but in the top 90 percent. Not only that, the person has to be in the bottom 10 percent three times while he is in the same class. So all the person has to do is really be a little competitive and be on the ball. I do not think we need to worry about the individual here. In the selection out cases, that have come to my notice since I have been chairman of this committee—and you know people who are going to lose their jobs are not very reluctant to come to a Member of the Congress—I have only had two cases brought to my attention by other Members. We wrote lan-

guage in the bill that Mr. Macy, who is head of the Civil Service Commission, shall be on this Board of the Foreign Service which hears appeals on separation for cause. I really think that my friend, the gentleman from Pennsylvania is worrying unnecessarily. We are worrying a little bit about the Government getting the best possible service and consistent with such protection as is needed.

Mr. CORBETT. I have not in any way questioned the sincerity of the effort that is being made here. It could possibly be that the trouble comes from the fact that the bill was not referred to the Civil Service Committee, which has had a great deal of experience in this type of thing. I believe that jurisdiction was wrongly placed in this matter, and we on the Civil Service Committee—

Mr. HAYS. May I say to the gentleman that the Foreign Affairs Committee has always handled Foreign Service personnel questions.

Mr. CORBETT. And yet we are supposed to handle matters pertaining to employees.

Mr. HAYS. It works both ways.

Mr. CORBETT. And probably wrongly.

Mr. ADAIR. In furtherance of what the gentleman from Ohio said, it is my recollection—and I am sure reference is made to this point in the report—that in the selection-out process in recent years less than 2 percent of the Foreign Service officers to which it is currently applicable have been selected out. Yet we seek to build a better Foreign Service. How many of us in this Chamber have not been critical of the State Department and our Foreign Service? If we have been, then by this bill, let us give them the machinery by which they can correct the situation.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Getting back to the question of veterans' preference, it is a well known fact that the five major veterans' groups oppose this legislation. I hear remarks being made in the well by those favoring this bill that indicates to me that the speakers are saying in fact that the veterans organizations do not know what they are talking about, but I for one think they do.

Mr. ADAIR. I refuse to yield further at that point. I will say to the gentleman that there has been no statement to that effect. There has been no implication to that effect.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield further?

Mr. ADAIR. I yield.

Mr. CUNNINGHAM. There has been a lot of objection by the veterans' groups. I believe that every Member of this body has received communications from them. I have heard via the grapevine before this bill was called up that the committee is a little worried about the opposition of our veterans and so they are going to offer an amendment. I do not know what number that amendment will be—No. 75 or No. 76—but it will be a sort of

sense-of-Congress resolution. Is that not the language to be used? I believe that is one of the phrases referred to by the sponsors of this bill.

Mr. ADAIR. The gentleman did not need to hear by the grapevine that we had in mind offering an amendment. We have been talking about it this afternoon, and I said that I had one prepared which would direct that veterans' preference be considered wherever practicable.

Mr. CUNNINGHAM. The gentleman knows that that will not have any force or effect. It will not mean anything.

Mr. ADAIR. I disagree with the gentleman. If it becomes law, it will have the full force and effect of law. The veterans' groups, or their leaders, do know what is going on.

Not very many days ago, I personally invited them to my office to sit down and talk and discuss this question, so that they might be fully advised, and the amendment which I have prepared is an outgrowth of that meeting. I am not saying to the gentleman that my amendment would go as far as the leaders of the veterans' organizations feel that we should go. I do say to the gentleman that it goes as far as we can, consistent with the requirements of the Foreign Service.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield further?

Mr. ADAIR. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. We passed that type of amendment in this body and in the other body before and, in my opinion, it has had no force and effect. I think we are fooling our veterans when we adopt such an amendment and give them the feeling that they will not be injured.

But to get back to another point—

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Ohio.

Mr. HAYS. I should like to make a statement at that point. A committee was appointed, headed by a former commander of the American Legion and including four departmental commanders. They were asked to serve voluntarily. They were given top security clearance. They were asked to go through the State Department from top to bottom and make recommendations. I refer to those five former officers of the American Legion. I should like to read what they said. They said:

The Department should increase its efforts to attract and bring into the Foreign Service junior officers of high caliber and potential.

The Department should intensify its efforts to weed out mediocre personnel by increasing materially the number selected out.

Then they go on to say that the selection boards should be authorized to review even more personnel than they are. This is a group of five former national commanders. I got a telegram from a gentleman recently saying that 5 million veterans are against this bill. I called him up and said, "Let us not kid each other—4,999,999 of them do not know this bill is coming up."

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I will yield briefly.

Mr. CUNNINGHAM. As I understand this, an option will be given to these people. They can go into this new arrangement or can stay in civil service.

Mr. ADAIR. Yes; that is correct. Subject to all of the protections provided in this bill.

Mr. CUNNINGHAM. For heaven's sake, what kind of a two-headed animal will that be? You have part of them in civil service and part of them in another system. I cannot envision a more confusing situation.

Mr. ADAIR. That kind of arrangement arose out of the thing I mentioned a few minutes ago; that is, our great effort and zeal to protect the rights of the individual and assure him that his civil service rights will be protected.

Mr. CUNNINGHAM. That is commendable, but it will not work.

Mr. ADAIR. Eventually the Foreign Service will all be operated under one set of rules, but in the meantime in an effort to be as fair as possible and in an effort to give them every protection possible we do give them an option.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from California.

Mr. MAILLIARD. I might say in connection with what the gentleman from Nebraska just said, that he never heard of such a two-headed object such as this, that this is exactly what we have now. This is what we had for many years and what we are precisely trying to cure here. We are doing this so that we will not have two parallel systems in the same agency. Also, will not the gentleman agree that the Foreign Service, in today's cold war atmosphere, where the United States has commitments and obligations of enormous magnitude and of vital interest to our national security, is more and more becoming in its responsibilities comparable to the military services, probably, in their function for this country than it is to the domestic civil service that operates the usual domestic agencies of our Government? If this system is approved by the Congress, it seems to me in return for what some people, that is, the people who are now working for the State Department under civil service, as to what they may give up or, if they do not choose to give it up, their successors will give it up, they will get a great deal in return. They will get benefits of earlier retirement possibilities more comparable to the military system. The selection-out process works rather similarly to what we have in the military services where certain people are selected to go on and others are let out but with substantial benefits that would not accrue to someone who might be let out of the civil service at the same stage in his career. It is not a one-way street. There are advantages granted. It seems to me we ought to put this problem into its major context to try to provide a unified national service in this foreign field that can maintain exceptionally high standards of competence, a competence that is really re-

quired in Government service probably only in the military with a comparable sense of responsibility and with the consequences of such competence acquired by these people for the security of our country.

Mr. ADAIR. I agree wholly with the gentleman from California, and I appreciate his remarks.

I think in addition to that it ought to be pointed out, besides giving these people an option as to whether they want to transfer or not, we even go a step further and give them an option as to whether they want to serve abroad with the Foreign Service or not. If they elect not to serve abroad, then they do not have to. We have gone to the fullest extent possible to give them this protection and at the same time establish the merit system which we need and to which the gentleman made reference.

Mr. FARBERSTEIN. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. FARBERSTEIN. Did the gentleman say it is fair to equate the Foreign Service officers and Foreign Service personnel with the frontline fighters in our Military Establishment of our country?

Mr. ADAIR. Of course it is, because the decisions that they make determine many, many times whether the use of the military is indicated.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. HUTCHINSON. Mr. Chairman, I am sure the gentleman can answer a couple of questions in my mind, although the debate thus far has not revealed the answers yet. An individual now in the civil service would be given an option. If he chooses to transfer over into the Foreign Service. Is there any limitation of time within which he must make that choice, and if he makes the choice is that firm or may he transfer back?

Mr. ADAIR. The gentleman has asked two questions. Upon the first, we did consider providing a limitation of time and decided not to do so. There is no limitation of time. As to the second, if for one reason or another he finds it wise to transfer to another Government agency, under this bill it is my opinion that he may do so and regain his civil service and veterans preference rights.

Mr. HUTCHINSON. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I have just listened to the gentleman from New York [Mr. FARBERSTEIN]. If we are going to equate the Foreign Service with our frontline troops we have lost the war right now.

Mr. ADAIR. I will say to the gentleman that that is exactly what we are trying to do by this bill, to make it possible for them to build a better Foreign Service, and if we pass this bill we are going to insist that they do.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, there is not the least assurance in this bill that the result which the gentleman talks

about will be accomplished; and he knows it.

Mr. ADAIR. Mr. Chairman, I disagree with the gentleman. I think we have a good bill.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. HAYS. Mr. Chairman, we do not have any ironclad assurance that we are going to win the war in Vietnam. I think we will and I hope we will. I am doing everything I can toward that end. This bill will do the same thing. We hope it will improve, and we believe it will improve the Foreign Service. If it does not, we will be receptive to other ideas.

Mr. FARBERSTEIN. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. FARBERSTEIN. At least we are trying to build up the Foreign Service so that we may be proud of them, so that they can handle our foreign affairs on a basis that will equate them with the frontline fighters in the interest of the national security.

(Mrs. KELLY (at the request of Mr. HAYS) was given permission to extend her remarks at this point in the Record.)

Mrs. KELLY. Mr. Chairman, during my years of service on the Committee on Foreign Affairs I have been increasingly concerned, as have my colleagues on the committee, with the inability of the Department of State and the other foreign affairs agencies to utilize their personnel to the maximum advantage. The situation that exists in these agencies is in sharp contrast to other agencies of Government that operate with a single personnel system. In the Department of State, USIA, and AID there are two different personnel systems—each a merit system but with entirely different procedures. The existence of these two systems within the same agency creates inequities as between individuals engaged in similar work, impairs morale, and raises difficult problems in management.

The principal objective of the bill before the House is an effort to bring some degree of order out of this difficult and confusing situation. Stated in the simplest terms, it prepares the way for an orderly transition within each of the three foreign affairs agencies from a dual to a single personnel structure. In this respect it follows the recommendations of numerous official and unofficial groups that have studied the organizational problems of the State Department and the other foreign affairs agencies.

I want to pay tribute to my colleagues on the subcommittee. All of them recognized the desirability of improving the organization of the foreign affairs agencies. But they were no less concerned that individuals who may be affected by any change be accorded every consideration to make the transition with a minimum disturbance to their own situation. None of us wanted to lose the valuable services of these many fine career people.

If one studies this bill in its entirety rather than picking out a particular pro-

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vision, I think he will reach the conclusion that the committee has incorporated numerous features that protect those individuals who may transfer from the civil service system into the Foreign Service system.

In the first place, the individual civil servant makes the decision whether he wishes to transfer into the Foreign Service system. He is not coerced; nor will he be fired if he decides not to transfer. The decision is entirely his. By giving the option to the individual the committee is aware that this will undoubtedly delay the organizational changes the Department and the committee want to accomplish. But we are willing to delay what we believe to be necessary if, by so doing, we can retain the services of many of these employees without any impairment of their morale.

The committee has written additional safeguards into the bill for those who may elect to transfer into the Foreign Service system. They are not subject to any qualifying examinations. This provision is in sharp contrast with a proposal made by the Hoover Commission that individuals who transferred must qualify by examination. It is our belief that individuals already employed have established their qualifications. Further, if they elect to transfer, they do not have to serve abroad without their written consent. Again we were aware that many civil service employees had personal reasons for declining overseas assignments. Frankly, I hope that at least some of them will request one or two tours of duty abroad. It will give them a much better perspective for carrying out their assignments at home. We wrote into the bill that any transferee will not suffer a salary reduction. Finally, those who transfer may become participants in the Foreign Service retirement system.

Mr. Chairman, I regret that many who oppose this bill do not recognize what the committee has done to accommodate the civil service employees. Some critics allege that this bill destroys the merit system. This charge is based on the assumption that the Foreign Service is not a merit system. For more than 40 years it has been governed by merit. When the committee wrote the Foreign Service Act in 1946, it strengthened those provisions that would assure the continuation of the merit system. One of the advantages of the Foreign Service system over the civil service system is that merit may be more readily identified and rewarded.

The committee listened to arguments about selection-out. It is apparent to me that that is a much misunderstood procedure. I call attention to pages 21 to 23 of our report where we have spelled out just what the selection-out procedure is and how it operates. Most of the critics failed to note that it is through a selection process that individuals are recommended for promotion. Certainly the statistics on selection-out do not bear out the charge that it is vicious or wide-ranging. In an average year fewer than 2 percent of our Foreign Service officers are selected out. In AID, during the past

2 years less than 1 percent were actually selected out.

In urging my colleagues to support this bill, I do so on the ground that we have achieved a balance between the national needs for a first-rate Foreign Service and the protection of individuals who may be affected by this bill. We have accorded to those individuals every protection that came to our attention. None of us is seeking to destroy the civil service system nor to impair the rights of veterans. We are simply trying to correct a single situation that is not in our national interest.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. MONAGAN].

(Mr. MONAGAN asked and was given permission to revise and extend his remarks.)

Mr. MONAGAN. Mr. Chairman, I support the bill H.R. 6277. I should like to say, too, that I found it a very educational and rewarding experience to serve on this subcommittee under the leadership of the gentleman from Ohio [Mr. HAYS]. I think all of us learned a great deal about the problems of the Foreign Service and of Government employees generally.

It is certainly our hope and expectation that what we are doing here will provide a foundation for a better Foreign Service. If that were not so we would not have voted this bill out unanimously, as we did.

It is true that as the legislation originally came to us there was a very serious objection to it in that it had a mandatory quality about it that required the transfer of employees from one system to another. But it seemed to me and seemed to members of the committee that when this mandatory aspect was taken out and when the transfer was made voluntary, the major objection to this legislation had been removed. There is reason in having a service, a Government service, that is dedicated to the foreign operations of the United States. You have only to read the summary in the report of the various committees and commissions that have investigated the Foreign Service to realize that there has been a constant desire expressed to build a prestige service, to build one that will have something a bit unique about it, as the gentleman from California [Mr. MAILLIARD] has said, in comparison with the military service.

That is the reason why there has been a distinct Foreign Service separated from the general run of Government employees who are in the civil service.

Mr. Chairman, the Foreign Service Act of 1946 had as its objective the strengthening of this professional, disciplined, and mobile corps of Foreign Service officers who are available for worldwide service, and it is to continue this type of service and to improve it that this bill is brought before the House today.

Mr. Chairman, reference has been made to the processes of selection out. I hope that Members who have the opportunity to do so will look at page 21 of the report, section 20, which covers the selection-out process. It points out,

first of all, that there has really been a very modest use of this authority in that less than 2 percent of Foreign Service officers have been selected out. Certainly, that would be a very good measure as to what might happen in the future under this legislation. With a reserve complement of about 3,300 in the Agency for International Development, only 47 were recommended in 2 years for selection out. Of these, 24 left by resignation or retirement before the process had been completed.

Mr. Chairman, I should like to call the attention of the members of the Committee to the fact that the Chairman of the Civil Service Commission, the Honorable John W. Macy, made this observation to the committee, which appears on page 22 of the report:

Any fears of wholesale dismissals by selection out are contradicted by the record of the Foreign Service in using this authority on a limited, conservative basis.

Mr. Chairman, the gentleman from Ohio [Mr. HAYS] has already referred to another important quotation on this same page, the one from the Special Liaison Committee of the American Legion, which recommended that the State Department "should intensify its efforts to weed out mediocre personnel by increasing materially the number selected out on the basis of selection board evaluations." That is exactly what is sought to be done through the passage of this legislation.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HAYS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding, because I wanted to get an authoritative comment upon the meaning of the language which appears on page 7 of the bill, subsection (c) which is a requirement that, "no person shall be eligible for appointment under subsection (a), or under the first sentence of subsection (b), of this section unless he has passed such comprehensive mental and physical examinations as the Board of Examiners for the Foreign Service may prescribe to determine his fitness and aptitude for the work of the Service."

May I ask the gentleman from Connecticut if this is going to make it impossible for a disabled individual, one disabled in a physical way such as the loss of an eye or an amputation or something of that nature, since there are many competent men in this category who make a great contribution to the Foreign Service—would this make it impossible for people with this type of disability to serve in the Foreign Service?

Mr. ADAIR. Mr. Chairman, will the gentleman from Connecticut yield to me to respond to that question?

Mr. MONAGAN. I yield to the gentleman from Indiana.

Mr. ADAIR. I would say to the gentleman from Oklahoma that the committee considered that precise point and for that reason did not write specifics into



the law concerning the types of examinations given.

It is our feeling that the type of examination should be geared to the requirements of the office sought and to the extent that it is compatible with that, and they take into account the entire situation, including the physical capabilities of the applicant. We left it open for the reason the gentleman suggests.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Ohio.

Mr. HAYS. Further amplifying the answer, which was a very good one, from the gentleman from Indiana, there are certain categories of the foreign service that are more demanding than others. For example, certain areas of the world. This we envisaged to be as flexible as the gentleman from Indiana says. In some areas it would work a hardship and would break his health to serve. If he only one good eye, it could not necessarily bar him.

Mr. EDMONDSON. A parallel has been drawn here between the military service trying to get our best men on the front lines and the foreign service. We all know as a practical matter that with a disability like the loss of an eye a man would have an almost impossible task to get into the armed services; but I do think the chairman of the subcommittee has made the point that would not necessarily be disqualifying in the foreign service with this new language.

Mr. HAYS. We are looking for the best people we can find. Physically we want them to have the necessary qualifications to do the job they are assigned.

Mr. MONAGAN. I should like to call attention to one other provision in this bill, and that is the separation for cause section. The amendment that has been suggested there will improve the appeal procedure, will put a limit to delays and will require dispatch in the determination of the rights of any employee under this section.

I hope this bill will pass.

[Mr. FASCELL addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, to get this in proper perspective I think the Members of the House ought to know that the chairman of the subcommittee, the author of this bill, was one of those who a year ago supported in the Foreign Affairs Committee a provision in the foreign aid authorization bill for arbitrary select-out procedure for some 200 employees a year. There is no question about what the gentleman from Ohio [Mr. HAYS] seeks to do here because his record is clear. I am glad that in the wisdom of a majority of the members of the Committee on Foreign Affairs they threw out that proposal. The gentleman seeks here to do in a roundabout way the same thing that was defeated a year ago.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. In the first place, it was not 200 a year. It was one shot; is that correct?

Mr. GROSS. One shot?

Mr. HAYS. Then we scaled it down.

Mr. GROSS. We scaled it out.

Mr. HAYS. We scaled it down.

Mr. GROSS. We scaled it out.

Mr. HAYS. Let me finish. Then when the gentleman brought up—he knows I complimented him for it—all of these people who were then given in-grade promotions, the gentleman from Ohio did not support that at all.

Mr. GROSS. The gentleman from Iowa had the rare privilege of offering an amendment in the committee that was adopted, that being the amendment to kill the arbitrary select-out proposal that the gentleman supported. The committee was well aware that in the preceding year every class act employee, with one lone exception, had been given a meritorious rating, yet all we heard about was the deadwood in the State Department.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HAYS. This had nothing whatever to do, and I am sure the gentleman will admit it when he refreshes his memory, with the State Department. This was AID.

Mr. GROSS. Well, all right.

Mr. HAYS. All right—there is quite a difference.

Mr. GROSS. It is the same kettle of fish. The gentleman will have to admit that. The AID department is involved in this bill; is it not?

Mr. HAYS. May I say to the gentleman, it is not exactly the same kettle of fish. I wish it were. I wish AID were run by the Secretary of State and then I would like to be Secretary of State and I will guarantee you there would be a housecleaning if we had to eliminate the whole thing.

Mr. GROSS. I want to conjure up one witness at the outset who is supposed to be in favor of veterans' preference. I want to read from the Record of May 5, 1953, the remarks of the then minority leader of the House, Mr. JOHN W. MCCORMACK, now the distinguished Speaker of the House. After saying that he was in receipt of a telegram from the National Commander of the American Legion, he had this to say at that time about his support for veterans' preference:

The veterans' organizations of this country are aroused. They are afraid of what is going to happen during this session of Congress. As I said, they have seen things happen. They know that under the present situation the provisions contained in this bill are not necessary even from the angle of expediency or necessity.

So I suggest to my friends on both sides, those of you who are not going to be a party to any movement to destroy the rights of the veterans that Democratic Congresses have built up and given to them, whether you are Republicans or Democrats, if you believe in their rights under existing law, it is a better vote to eliminate this provision, be-

cause, as I understand, it will be part of a motion to recommit if it is not eliminated in the Committee of the Whole.

I have read only two excerpts from his statement in 1953 in complete defense of the veterans' preference which the committee is now seeking to abolish along with the class act in the State Department. Every new employee in the Department of State, effective with this bill, will be a Foreign Service employee, and veterans' preference will be thrown out the window. The gentleman from Indiana [Mr. ADAIR] talks about discrimination. What about discrimination as between other agencies of Government? What about the Department of Commerce that has people in the nature of Foreign Service employees? Is it proposed to abolish civil service and veterans' preference everywhere in Government and if not, why not?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ADAIR. Mr. Chairman, I yield 5 additional minutes to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman. What are you going to do about other agencies and departments of Government including the Department of Agriculture, the Department of Commerce?

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HAYS. I will say to the gentleman that the original proposal was to include them. The subcommittee thought we ought to confine this to only the three foreign affairs agencies. We eliminated all the others—the Department of Commerce, the Department of Agriculture and all the others from the provisions of this act.

Now that does not necessarily say I think Commerce and Agriculture ought to be engaged in foreign affairs. Sometimes I think the Agriculture Department runs more foreign affairs than anybody else.

Mr. GROSS. I might find something acceptable about this bill if I had confidence in the administration of personnel in the State Department. I cite you the case of Otto Otepka. He would not have had a prayer—he would have been out and gone long ago, with no questions asked and no answers given, had this bill been in effect. Otto Otepka has been suspended for months from his job in the State Department. I understand he will come up for a hearing on October 11 of this year. But this valuable employee was practically thrown out of the State Department, this chief security evaluator, when three favored employees of that Department perjured themselves under oath before the Senate Internal Security Committee. Where are those perjurers today? One of them is still in the State Department. You talk about cleaning out the liars and cheats in the State Department. Another is over in the Federal Communications Commission holding a top job. I do not recall the whereabouts of the third individual, all of whom admitted their perjury before the Senate Committee under oath. And where is the center of all this controversy—one William Wieland? Where

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is he today? He, too, has been rewarded by the same State Department that you now want to give untrammelled power. He went to his reward as a top diplomatic official in Australia, this man Wieland who as the former chief of the Caribbean-Latin American desk gave misleading, erroneous information to the Department of State concerning Fidel Castro.

Yes, only recently he was given a fine, top job as a diplomat in Australia, yet the gentleman would turn over to the present administration in the State Department, to their tender mercies, employees who are now under the class act and have and need all the protection they can get.

I urge you not to take this action until you change the administration of the State Department.

Mr. HAYS. Mr. Chairman, I yield myself 5 minutes.

I could not get the gentleman from Iowa to yield. I wish to say two or three things.

In the first place, I do not know anything about Mr. Wieland except that certain charges were brought against him and he was acquitted. At the moment, certain charges have been brought against the gentleman from Iowa. His election is being contested. I am sitting on the jury. If we acquit him, he will keep his seat here. If anybody asks me where he is, I will say, "Right here, sitting on the floor."

All I know about Mr. Wieland is that he was acquitted. What about Mr. Otepka?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. Not until I finish.

I could not get much yielding from the gentleman from Iowa.

Mr. GROSS. Do not bother if you do not feel like it.

Mr. HAYS. I will not. The gentleman knows me well enough to know that, too.

I do not know too much about Mr. Otepka except that certain charges were brought against him. He is under civil service. If he was a Foreign Service officer, he could have been brought up on charges too. If he was a Foreign Service officer, his level of performance as determined by annual selective boards might have put him in the bottom 10 percent of his class. If he were in the bottom 10 percent for 3 years while in class, he could be selected out.

The gentleman has been complaining that Mr. Otepka has been denied a trial. What is the fact? The fact is that every continuance that Mr. Otepka has had—and I am not passing judgment on his guilt or innocence because I do not know—has been because he or his lawyers have requested it. The State Department has not been shoving him around.

We brought out in the testimony before the committee, if the gentleman read it, that not only was he being treated differently by being given these continuances, but he is being kept on the payroll and he has been drawing his pay every month.

I said to the Secretary one day, "Let me ask you something. If Mr. Otepka had been suspended without pay and he had won his case, he would have gotten his backpay."

The Secretary said, "That is right."

I said, "Now, you have kept him on. If he loses, and is found guilty, does he have to pay back what he has received?"

He said, "Oh, no."

I said—if Members will pardon the expression—"Who in the hell is worrying about the taxpayers in this case?"

I say that, as far as pretrial business is concerned, Mr. Otepka has been treated exceptionally well. I do not know anything about his guilt or innocence. I do not propose to try him here. But I do say that up until the day he is found guilty and the charges are substantiated, he is and has been drawing his full pay, because Mr. Rusk said, "When a man is in this kind of a situation, that is when he needs his pay."

I must say that that is quite a humanitarian way of looking at it.

The whole point of the statement I wish to make is that the gentleman's talk about Mr. Otepka has no bearing on this legislation whatever.

Furthermore, this red herring was dragged across the trail of this bill, and somebody had an article published in the paper saying that this bill is being written to get Mr. Otepka. That is the first I knew about it. We put in specific language excluding the transfer involuntarily of anyone in the civil service. So if Mr. Otepka is acquitted of these charges, he cannot be forced into the Foreign Service, and then wrongly, as some people have charged, selected out.

I will tell you one thing: this subcommittee unanimously—all of the minority and all of the majority—went all the way to protect somebody we do not know very much about.

Mr. GROSS. Does the gentleman intend to yield?

Mr. HAYS. I yield to the gentleman.

Mr. GROSS. I thank the gentleman for yielding.

In the first place, I am sure with some people moral issues count for more than a pay check, and I think that is true in the case of Otto Otepka. As far as continuances, do you not think the man ought to have—

Mr. HAYS. I will say to the gentleman—

Mr. GROSS. Wait a minute. Let me finish the sentence.

Mr. HAYS. It is my time.

I will say to the gentleman I do think moral values have more value than a pay check. That is exactly the way the case has been handled. As far as continuances are concerned, I am not saying he should not have had them. Do not misunderstand me. I am trying to clear up the record in the newspapers and magazines that claim that this man has been shoved around and denied a trial. All I am saying is he has not been denied a trial. The trial has been postponed at his and his attorney's request. That is all.

Mr. GROSS. If you were in his posi-

tion, would you not like to have your case heard by a fair and impartial appeal board instead of one that has been handpicked by your accusers?

Mr. HAYS. Oh, let me say this on that.

Mr. GROSS. Just a minute.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAYS. Mr. Chairman, I yield myself an additional minute.

Let me say very candidly and very frankly that if I were in the position of being accused of anything—I know I did not get legal training, because I came out of the depression, but I know some of the tricks of it, and one is if you do not think you have a case, you keep getting a continuance until everybody forgets about it. If anybody ever accused me of anything, I want to tell the gentleman I am going to get all of the continuances I can get.

Mr. GROSS. If the gentleman will yield further, that is—

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ADAIR. Mr. Chairman, I now yield 5 minutes to the gentleman from New York [Mr. REID].

(Mr. REID of New York asked and was given permission to revise and extend his remarks.)

Mr. REID of New York. Mr. Chairman and Members of the Committee, I rise in support of many elements of H.R. 6277, including benefits to employees serving in areas of unusual danger; compensation for local employees who are or have been in prison by a foreign government as a result of their employment by the United States; and a single personnel system strengthening opportunities for sound promotion on merit. However, I would like to address myself to one particular question. That is the future of our Foreign Service, particularly our Foreign Service officers. I think it is no secret to the Members of this distinguished body that the morale of the Foreign Service today is depressed.

I think it is extremely important that this House make abundantly plain our conviction and our support for the Foreign Service and our belief that they are serving in the frontline of diplomacy and that their work and their dedication is fundamental to the future of the United States and to the interests and cause of peace throughout the world.

I know that the distinguished chairman of the subcommittee, the gentleman from Ohio [Mr. Hays], is particularly concerned, also, about the Foreign Service and is doing all he can to support it. However, I would ask the gentleman's attention and ask if I may inquire of him with respect to one or two matters in this bill.

First, as I understand it, under H.R. 6277, you are establishing a new category of officers—FAO's or Foreign Affairs officers—under section 6. Is that correct?

Mr. HAYS. That is correct.

Mr. REID of New York. Further, it is my understanding that these officers can be assigned any place in the home

service and overseas with their written consent. Is that correct?

Mr. HAYS. For the transferees, the gentleman is correct. For the people who go in afterward, from the bottom, let us say, the new Foreign Service officers and Foreign Affairs officers who pass an examination and go in, they have no option. They understand when they go in that they can be assigned anywhere abroad or at home.

Mr. REID of New York. I understand the gentleman. With regard to the transferees who become FAO's and some of the FSR's who may be transferred, where does the gentleman anticipate they might be assigned in the home service?

Mr. HAYS. We will assume they might be assigned almost anywhere.

Mr. REID of New York. They might be desk officers, for example?

Mr. HAYS. They could be, possibly, if they had the capability and were outstanding and seemed to be able to contribute something. They could be.

Mr. REID of New York. May I ask the gentleman, is it true that under this legislation the transfer of FSR's under section 29 of the bill is accompanied without any examination?

Mr. HAYS. That is correct.

Mr. REID of New York. Does the gentleman believe that this is a sound provision? Because as I recall it, the Hoover Commission originally suggested that there should be an examination in connection with any such transfer.

Mr. HAYS. I think that is a debatable question. The committee considered this fairly carefully. We assume that they have already qualified. I believe it is fair to say that you do not have any FSR's down there who are not uniquely qualified for the job they are doing, or at least they thought they were when they came. An FSR, as the gentleman knows, can be dismissed at any time. He has no protection under civil service, Foreign Service, or anything else. I should think from the human standpoint, a great many of these might want to transfer, and we believe that these people have been selected carefully. They do take a chance when they transfer knowingly, that they have to keep up and stay out of that bottom 10 percent.

So I think the problem will solve itself.

Mr. REID of New York. Mr. Chairman, may I ask the gentleman further whether under section 16 he thinks it is a wise provision to extend the authority to the Foreign Service staff officers subject to the advice and consent of the Senate, to give them diplomatic status as well as the consular status that they may be accorded now. I raise this specifically—for if they become first or second secretaries in an embassy, this will presume considerable judgment and tact and knowledge of the diplomatic service.

Mr. HAYS. I would say to the gentleman, if it is done selectively and under unusual circumstances, we think that with the matter of Senate confirmation, that they have to have, that you will not get anybody in there or have much chance of getting anybody in there who is not qualified, any more than you do now.

Mr. ADAIR. Mr. Chairman, will the gentleman yield to me?

Mr. REID of New York. I yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Chairman, I think in furtherance of what the gentleman from Ohio has said, it is anticipated first that there would in all probability be relatively few people who would find themselves in the situation which the gentleman describes and about which the gentleman makes inquiry.

Secondly, it is anticipated that those few who would get the initial diplomatic or consular status would certainly be carefully selected by the President and carefully screened before confirmation.

Mr. REID of New York. I thank the gentleman, but I would point out that it is my understanding—I do not have the figures on the FSS's, but as to the FSR's as of today there are 1,378 in the Department of State, 1,379 in the U.S. Information Agency, and 3,355 in AID.

The only point I would like to ask the gentleman about again is this: I believe it is the sense of this House and of the distinguished Foreign Affairs Committee, that it is basic to back the Foreign Service officers, to keep them as an elite corps, to insist on the highest educational and other qualifications and to give the FSO's the satisfaction of belonging to the top corps in the U.S. service, a group that truly has significant responsibilities—the gentleman from Ohio said earlier—making judgments that can affect peace or war. I hope the gentleman might wish to reaffirm the importance that the House and his distinguished committee accords to the Foreign Service officers in their full support without any dilution of this Service, their dedication, and their standing.

Mr. HAYS. I think it is fair to say that everybody on the Foreign Affairs Committee, even those who might oppose this position referred to, agrees with the gentleman's statement; certainly I do.

Mr. REID of New York. I thank the gentleman.

Mr. ADAIR. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, I requested this time to ask a couple of questions either of the gentleman from Indiana or of the gentleman from Ohio.

Section 24 of the bill adds a new section to the act to provide for payments to alien employees who have been imprisoned by a foreign government because of their employment by the United States. Recently on the Private Calendar we have had a number of cases which proposed to provide bonuses and gratuities for pain and suffering; bonuses and gratuities for "sacrifices"; bonuses for extra years' pay; payments of 6 months' salaries to relatives; giving of favorable hypothetical promotions during their imprisonment, and a number of other extra benefits which are considerably greater than those given to American citizens under the Missing Persons Act.

I would like to inquire if this act, which would be general legislation for these types of cases, provides bonuses and gratuities for pain and suffering?

Mr. HAYS. If the gentleman will yield, no. May I say to the gentleman in answer to his question, and it is a logical question, this provides only one benefit—and the report states on page 25 as follows:

When such a determination has been made, the alien employee's salary, including normal within-class increases and related fringe benefits would be paid to the employee or his dependents as if he had continued in the employment of the U.S. Government.

Mr. TALCOTT. Would there be hypothetical promotions?

Mr. HAYS. He would get whatever in-grade promotions were coming to him, yes; but he would not get anything for pain and suffering, he would not get anything for confiscation of property but just his normal salary and other fringe benefits.

Mr. TALCOTT. Would the alien employee be considered the same as a GI taken prisoner in battle? I understand that he retains his rank?

Mr. HAYS. I am not familiar with every single thing that happens to a GI that is taken prisoner, but I would say in principle he would be treated very similarly.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HAYS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. TALCOTT. I thank the gentleman from Ohio. I was concerned about extra pay designed to give the alien some sort of gratuity or benefit or bonus for pain and suffering while in prison.

Mr. HAYS. No; he would only get his regular salary.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from Iowa.

Mr. GROSS. But there is no mandatory restriction in section 24.

Mr. TALCOTT. The restriction appears to be based upon the Missing Persons Act with which I am not familiar. This is why I was asking the question.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from Ohio.

Mr. HAYS. That is correct, and it is stated specifically on page 25, section 24 of the report, at the end of the first paragraph, wherein it says:

When such a determination has been made, the alien employee's salary, including normal within-class increases and related fringe benefits, would be paid to the employee or his dependents as if he had continued in the employment of the U.S. Government.

It does not authorize compensation for any other losses such as confiscation of property.

Mr. TALCOTT. I thank the gentleman.

Mr. HAYS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. O'HARA).

(Mr. O'HARA of Illinois asked and was given permission to revise and extend his remarks.)

Mr. O'HARA of Illinois. Mr. Chairman, I have asked for this time merely again to point up the rich background,



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in experience as well as in industry, of this debate. I think this has been an unusually interesting debate. The Record should show that the able gentleman from New York [Mr. Reid] who made a large contribution to the discussion is not a stranger to the subject matter. A great Republican, a great Member of this House, OGDEN REID served our country with outstanding distinction as our Ambassador to Israel, and I know our American men and women in the Foreign Service will be happy that one with such intimate firsthand knowledge of their problems participated in these discussions.

Mr. ADAIR. Mr. Chairman, I reserve the balance of my time.

Mr. HAYS. Mr. Chairman, I yield 4 minutes to the gentleman from Montana [Mr. OLSEN].

(Mr. OLSEN of Montana asked and was given permission to revise and extend his remarks.)

Mr. OLSEN of Montana. Mr. Chairman, I am opposed to certain parts of H.R. 6277, and I take this time to briefly point up some of the reasons.

This is one of many, many departments that has a dual personnel system. It is not any different for the Foreign Service to have one classification for Foreign Service officers and then an entirely different personnel system for the ordinary administrative personnel. This is true of the Department of Defense, the Coast Guard, the Public Health Service, the U.S. Coast and Geodetic Survey, just to name a few. But there are many others that have dual personnel administrative agencies.

The Foreign Service, I do not think, is any more entitled to take away from the general civil service the rights of people working for them and eliminate that kind of service than would the Defense Department. I do not think the Foreign Service is any greater agency than the Defense Department, yet we require the Defense Department to hire civilian personnel for the kind of jobs that are civil service. Then for those kinds of jobs that are combatant jobs, we have the officers and men of the armed services.

Time and again the argument comes to the Congress about encroachment upon what should be regular civil service jobs, and what should be military jobs. We go to great lengths to protect the civil service jobs.

This bill, as I see it, is in three parts, really. It makes three points.

One, it would make a single personnel system for the Foreign Service. It would thus destroy civil service rights in the civil service system for the civil service people already in. And it would destroy those rights for the future. It would also destroy veterans' preference.

The thing that really disturbs me most is that there is a complete ignoring of the fact these people are stenographers, clerks, they are mail handlers, there are some attorneys and economists. They are in this particular classification. They do not have to be Foreign Service officers. They are not specifically trained for the Foreign Service. They are a kind of profession or employment

that could be used in any other agency of the Government, and would be interchangeable with any other agency of the Government. So I say it is an unnecessary piece of legislation in those regards.

There are other parts of the legislation I strongly support. But I want at this time to describe three amendments. I am going to offer them en bloc. One of them is to delete section 2. This is the section which amends the Foreign Service Act to permit the employment of Foreign Service personnel in the United States. Heretofore employees in domestic jobs themselves were required to be covered under the Civil Service and Classification Acts. If my amendment is adopted it will keep civil service protection for jobs. The bill contains protection for personnel now holding those jobs, but all future employees in those jobs will be Foreign Service without civil service or veterans' rights.

My next amendment would delete section 29. This section permits the President to transfer present civil service employees in the three agencies involved from the civil service to the Foreign Service. This means in effect that present civil service employees who are thus transferred lose the job security afforded by the civil service laws and veterans' preference.

Finally, the third part of my amendment would delete section 32. This section makes inapplicable the Veterans' Preference Act, the Civil Service Act, and the Lloyd La Follette Act, and would restore in this bill the civil service right of employees and would restore veterans' preference rights to the veterans.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Service Act Amendments of 1965".*

Sec. 2. Section 111(1) of the Foreign Service Act of 1948, as amended, is amended by inserting "at home and" immediately after "to serve".

Mr. CUNNINGHAM. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Ninety Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 271]

Andrews,	Hagen, Calif.	Pirnie
George W.	Hanna	Pool
Ashbrook	Hansen, Idaho	Powell
Ashley	Harris	Reifel
Baring	Harsha	Resnick
Berry	Hawkins	Rhodes, Ariz.
Bolton	Hébert	Roncallo
Bonner	Hungate	Rumsfeld
Cameron	Joelson	Ryan
Cederberg	Jones, Mo.	Saylor
Clawson, Del	Kee	Schmidhauser
Culver	Kornegay	Sisk
Daddario	Lindsay	Smith, Iowa
Derwinski	Long, Md.	Thomas
Diggs	McClary	Toll
Dulski	Martin, Ala.	Utt
Flood	Mathias	White, Idaho
Fuqua	May	Wilson
Hagan, Ga.	Murray	Charles H.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MOORHEAD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 6277, and finding itself without a quorum, he had directed the roll to be called, when 373 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. OLSEN OF MONTANA

Mr. OLSEN of Montana. Mr. Chairman, I offer an amendment and, Mr. Chairman, I ask unanimous consent that the three amendments I have may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

Mr. HAYS. Mr. Chairman, I am constrained to object. I understand the gentleman has one amendment that applies to section 2, but I object to any other amendments.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. OLSEN of Montana: On page 1, beginning at line 5, strike out all of section 2;

(Mr. OLSEN of Montana asked and was given permission to revise and extend his remarks.)

Mr. OLSEN of Montana. Mr. Chairman, I rise in opposition to H.R. 6277, but I think this amendment, together with two other amendments I will offer, will make the bill satisfactory.

Mr. Chairman, the bill, H.R. 6277, would abolish all of the civil service rights of presently employed civil servants in the Foreign Service system.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman from Ohio.

Mr. HAYS. The bill does no such thing at all. The bill will not abolish a single right that any single employee under the civil service has unless he voluntarily elects to transfer to the Foreign Service.

Mr. OLSEN of Montana. If he elects to transfer to the Foreign Service, civil service rights will not apply any longer. For those jobs which are ordinary jobs, that are applicable in any other agency of the Government, henceforth there will be no civil service rights. In other words, in the Foreign Service there will be one personnel system.

I made a comparison earlier with the Defense Department. In the Defense Department we have two personnel systems. We have the military personnel system covering military officers and men, and we have for the jobs that are ordinarily the civilian kind of jobs the civil service. Those people are covered by the Classification Act that has been in effect since early in the century.

My amendment would delete section 2. This section amends the Foreign Service Act to permit the employment of Foreign Service personnel in the

United States. Heretofore employees in domestic jobs themselves were required to be covered under the Civil Service and Classification Acts. If this amendment is adopted it will keep civil service protection for jobs. The bill contains protections for personnel now holding those jobs, that is true, but all future employees in those jobs will be Foreign Service without civil service or veterans' rights.

I urge the adoption of this amendment, and I will urge the adoption of two other amendments so that we will maintain the distinction between what is civil service and what is entitled to civil service status and protection, and what is entitled to veterans' preference, and then what is a Foreign Service officer.

By retaining the present distinction, we will operate as we are operating in numerous other departments where there are dual personnel systems, and there are numerous situations of that kind.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman.

Mr. PELLY. I am wondering, if the gentleman's amendments are adopted by the Committee of Whole, will the gentleman then support this bill?

Mr. OLSEN of Montana. I will vote for the bill if my three amendments are adopted.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman.

Mr. GILBERT. First, may I compliment the distinguished gentleman from Montana for offering this amendment which I think is so important. But I wish to ask him a question.

If your amendment is not adopted, then as I understand it no veteran would have a preference in the Foreign Service field working for the State Department. Now I am talking only about employees employed in the United States.

Mr. OLSEN of Montana. This particular amendment does not go right to the heart of your question. That will be my third amendment which will absolutely guarantee this preference. This amendment has to do more with preserving the civil service status of those jobs that are ordinary civilian jobs.

Mr. GILBERT. I thank the gentleman.

Mr. MORRISON. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman.

Mr. MORRISON. I want to commend the gentleman for this amendment. I am certainly in agreement with him on this amendment. Our Committee on Post Office and Civil Service have always taken the position that the civil service should be strengthened and everything possible done to further the civil service rights of Federal employees. I think with the three amendments that the gentleman has that we can vote for this bill if his amendments are adopted.

Mr. OLSEN of Montana. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman.

Mr. GROSS. The gentleman could also have pointed out that in the Department of Defense there are also many wage board workers, in addition to class act employees, who are protected by veterans' preference and civil service. Thus there are three personnel systems in the Defense Department as compared with two in the State Department yet I hear of no such legislation as this being requested by the Pentagon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman made a speech about civil service, but his amendment really does not have much to do with the civil service. The amendment that he is seeking to put in now destroys the flexibility of this act so far as the ability of the State Department to transfer people between posts at home and abroad. Let me give you one example.

Suppose they had a Foreign Service officer who was in charge of the division of the foreign building program in, let us say, Europe and it was felt desirable to bring him back to head up the whole division. This is what we want the Department to be able to do. On the other hand, we want to be able to take people now under civil service, if they are capable—and remember none of them has to go into the Foreign Service category unless they want to—but if they do want to transfer and they want to serve abroad, we want to be able to send them overseas or put them on a desk and use them to the best of their ability. This amendment would just simply handcuff and shackle the Department. It does not have anything to do with civil service and I ask my colleagues to defeat the amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike out the last word and rise in support of the amendment now pending and also of the other two amendments that the gentleman from Montana will offer.

These amendments are very important and are much needed amendments. Those of you who were here during the general debate will recall the statement I made that there is great opposition to this bill. It is opposed by all of the Federal employee groups—all of the employee unions, postal and other civil service groups in the Federal service. It is opposed by the five major veterans' organizations.

Mr. Chairman, unless these three amendments are adopted, I certainly as one Member of this body cannot support this bill and I am sure there are many, many others who cannot support this bill.

I understand, as a result of our discussion during general debate, that the opposition to this bill has been so terrific from the veterans' groups that the committee is going to offer some willy-nilly amendment—a sort of sense-of-Congress type of thing—in an attempt to

pull the wool over the eyes of the veterans' groups. Such an amendment will mean nothing. It might fool a few people, but it will not overcome the objections of the veterans who have so strongly supported the Veterans Preference Act, which we have revered through all the years, at least during my service on the Post Office and Civil Service Committee. So I do hope that the gentleman's amendment will prevail. I do hope that his others will prevail. I would even say that when the committee offers their willy-nilly amendment, which means nothing, it ought to be voted down.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I commend the gentleman on his statement. Those of us on the Post Office and Civil Service Committee are trying to be as constructive as we can be, but we are quite concerned about what will happen to the merit system of the civil service employees, not only in the State Department—in AID and the other agencies involved—but once we start passing that type of legislation, we are chipping away at the civil service merit system. The gentleman from Montana [Mr. OLSEN] is commended for offering his amendment to section 2.

We have discussed the other amendments and, of course, at the time they are offered we can express ourselves. But on the amendment before the House, it, to me, is the most critical amendment with regards to the future of the civil service merit system throughout the Federal Government. I certainly hope that the Members would give serious consideration to the amendment offered by the gentleman from Montana.

Mr. KREBS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from New Jersey.

(Mr. KREBS asked and was given permission to revise and extend his remarks.)

[Mr. KREBS addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Ohio [Mr. HAYS] well knows that the purport of the bill is to put all Classification Act employees under Foreign Service. Yet the last two personnel managers in the AID organization were transferred out of the Foreign Service under the Classification Act. Transfers in the USIA have also been covered. They have been transferred out of Foreign Service under the Classification Act. The flexibility is there and it is being used. It ought to be continued.

The CHAIRMAN. For what purpose does the gentleman from Florida rise?

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

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Mr. FASCELL. The bill certainly does not affect the postal employees in any way, notwithstanding the fact that they might be opposed to it.

I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, either a lot of those who are supporting the amendment do not understand it, or they are attempting to mislead Members. This does not have anything to do with civil service employees. The whole effect of the amendment would be to prevent them from bringing a capable Foreign Service officer back from abroad and putting him into a job in which he is needed here. That would be the net effect of it. I do not know who dreamed this amendment up. I can debate the merits of the gentleman's amendment on veterans' preference and say that there are two sides to the question, but the pending amendment is nothing more nor less than an attempt to gut the bill, and no other interpretation can be placed upon it.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Montana.

Mr. OLSEN of Montana. The import of the amendment is to stop the foreign service from displacing civil service employees who have been historically in their jobs. That is all there is to it.

Mr. HAYS. Now we get down to the point. In other words, there are people downtown who say, "I have a vested right. This job belongs to civil service, and if you cannot find some capable fellow to fill it, fill it with some incapable fellow." That is the import of the amendment.

Now we get to the meat of it.

Mr. OLSEN of Montana. Yes, we get down to the meat of it, because the bill would put all such people into the unclassified service. The gentleman is trying to say that we do not have competent people in the classified service—

The CHAIRMAN. The gentleman from Florida has the floor. To whom does he yield?

Mr. FASCELL. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. HAYS. I am saying that the gentleman is trying to shackle the State Department to the extent of saying that if there is not a topnotch fellow available, it could put in a fellow who is not.

That is about what it amounts to. The people who came before our committee admitted it and summed it up. They are not worried about it at the present moment. What they are worried about is that in the future these people coming in may not join their union and may not pay dues. I have supported unions, but it looks to me as though the Government ought to be able to run itself and not have it run from some lobbyist's office downtown.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman.

Mr. OLSEN of Montana. This is not a union amendment but one which comes out of a group of us who are members of the Committee on Civil Service. We think these positions that have his-

torically been under civil service should remain civil service. We are not trying to take a thing away from the Foreign Service but are saying that those jobs and duties and things that have historically been civil service should remain civil service. The people in them should be protected under the Classified Act, as they have been historically.

Mr. FASCELL. Mr. Chairman, as I said when I arose and as I say after having heard this discussion, I am still opposed to the amendment.

I yield back the balance of my time.

Mr. THOMSON of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rarely find myself in the position of taking the time of this committee to support a measure which the administration asks for, but to day I think that the national interest is vital and I am not in agreement with those who say "Keep the status quo—keep America where it is today." I am in favor of moving it forward. I want to commend this administration for having the courage to come in here over the objections of the entrenched civil service people and propose to do something for this country. It is amazing that they have done as well as they have been able to do with one hand tied behind their back. Foreign affairs programs require flexibility in assignment. This is not possible now because some employees are under civil service while others in the departments are under the Foreign Service. They have a Hydra-headed monster that they are trying to administer in the interest of giving America the visage and the showplace that we need in foreign countries. Our embassies and our consulates should be showplaces and should be staffed with the most able, the most conscientious and dedicated people that we can find here in America who will volunteer for that purpose.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman.

Mr. HAYS. I just want to call the attention of the House to the fact that the gentleman in the well now is a former Governor of one of our large States and probably has had more experience in administration than anybody I know of in this body. He is well aware of the problems of administration. He sat on the subcommittee and asked many searching questions. He was the reason why we adopted a great many of the amendments in this bill. I think that his statement for this bill is probably more significant than the statements of any of us who have spoken on it because of his background and experience as a Governor and administrator.

Mr. THOMSON of Wisconsin. I thank the gentleman from Ohio.

It is true that I spent many years at another level of government in trying to establish an adequate system of civil service, but as I look at this, this is not a question of civil service but of a merit system in contrast to civil service. You go in here voluntarily on your own merit and you stay there if you show the merit and are able to do the job for America.

Today, if you have a very able man downtown in the State Department who is under civil service and does not want to go overseas, then they cannot send him overseas. America then loses the service of that man in the capacity he should be serving in. If they are under civil service, they stay there until they are 70 years of age. But the volunteers who want to serve overseas for America are retired at age 60. There are all kinds of problems and difficulties and complications. I think it is a shortsighted policy for the members of the Civil Service Committee to come before this House and say, "Let us keep the status quo." I do not agree with that policy. I would like to help this administration. I have confidence that the men who will be administering it will do so in the best interests of the Government of the United States. There are many things I do not like that happen downtown, but I want to stand today with the people who want to give this administration an opportunity to give this great Republic the best image that it is possible to give it all over this world.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman.

Mr. CUNNINGHAM. Mr. Chairman, I certainly do not think that any of us on either side of the aisle who support this amendment feel that the State Department is on trial. We do not think that this is something that is going to make a great State Department out of a weak one, if that is what is inferred to here. We are more concerned with the details of protection of the civil servants in this Government.

I refer the gentleman to page 6 of the report, about the middle of the page, where it says:

Any participant who is appointed as a Foreign Affairs officer or as a staff officer or employee without a break in service in excess of three calendar days shall remain a participant.

What does that mean? What is a participant—3 days? He is a participant for 3 days?

Mr. ADAIR. Mr. Chairman, if the gentleman will yield, I do not have the report in my hand, but I think that refers to Foreign Service retirement.

Mr. CUNNINGHAM. After only 3 days then he may participate in Foreign Service retirement. That is really something.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. Thomson] has expired.

Mr. ADAIR. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, it seems to me that the question which must be now in the minds of members of this committee is whether or not we are prepared to take the steps necessary to give the Department of State, the AID, and the USIA an opportunity to improve the quality of the service which men and women are rendering to our Nation. It is just as simple as that. Are we going to give them the ability? Are we going to give them the flexibility? Or, are we going to say, yes, certainly, we will protect civil service



rights and we will protect veterans' preference rights to every degree possible? We are here today charged with legislating for the benefit and the welfare of all of the people of all of our country. It is true that some people may have to forgo some of the small civil service benefits. It is true that to a very limited degree, the most limited possible, there may be some diminution of veterans' preference rights.

But I would say, Mr. Chairman, that the overriding question before us is the national welfare, the importance of building a separate and distinct Foreign Service, one that can render the type of service that our country needs.

Mr. Chairman, I would conclude by saying again, because there are some in the room who did not hear it earlier, that one of the strongest proponents of this bill was John Macy of the Civil Service Commission. If he had not come before us and made the strong statement which you will find in the record of the hearings, this bill would not be before us today. In the national interest John Macy said, in effect, we need legislation of this kind to strengthen our Foreign Service.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I think it needs to be said for the benefit of those who were not here during the general debate that in the first place nobody has to leave the civil service who does not want to. The new people coming in have to come in under the Foreign Service provisions. But the Foreign Service is not without protection. This is not a willy-nilly organization from which you can fire somebody if you do not like the color of his hair. He has to be in the bottom 10 percent of his class, competing with other people in his grade and rank. He has to be in the low 10 percent for 3 years before he can be selected-out. This is a merit system.

This is a merit system where you have to keep producing and just stay in the top 90 percent. It is a lot like it is at many colleges today where you have to stay in the top 60 percent in order to stay in school. You just have to stay in the top 90 percent, and you can even slip down to the bottom once or twice, but you had better not stay down there too long. That is all.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, my friend the gentleman from Wisconsin (Mr. Thomson) called the State Department a "hydra-headed monster," or words to that effect.

Mr. THOMSON of Wisconsin. If the gentleman will yield, no, no. The gentleman is in error.

Mr. GROSS. All right, explain the error.

Mr. THOMSON of Wisconsin. I said the system under which they are required to have a Foreign Service system and a civil service system in the same agency is a hydra-headed monster.

Mr. GROSS. I thank the gentleman for his explanation. We have the Defense Department. I do not know whether the gentleman would call that a hydra-headed or triple-headed monster. We have uninformed personnel in the Defense Department, we have Wage Board employees in the Defense Department, and we have Class Act employees in the Defense Department by the thousands, far more than in the State Department. I know of no request from the Defense Department for this kind of legislation.

The gentleman from Indiana (Mr. ADAIR) talks about solving all the problems in the State Department. I find no substance whatever in his assurance that by the enactment of this bill one single improvement will be made in the State Department.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I want to ask this question, if the gentleman cares to answer it: Since there is so much inefficiency, so much deadwood we hear about in the State Department, and related agencies, how many charges were filed against these incompetents and ineffectives in the last year?

Mr. ADAIR. If the gentleman will yield, too few, as I pointed out in my remarks earlier in the afternoon.

Mr. GROSS. Well, how many?

Mr. ADAIR. I do not know the exact number, but that is one of the purposes of this legislation, to make it easier to weed them incompetent individuals.

Mr. GROSS. Yes, that is just what many of us fear, that this bill will make it too easy to eliminate people in Government.

Mr. ADAIR. If the gentleman will yield, the gentleman from Ohio—I take it we are speaking about the executive branch of the Government—as the gentleman from Ohio has just pointed out, it is not easy. It becomes a matter of very great difficulty to get people out of Government.

Mr. GROSS. If there are so many incompetents, and they are really incompetents, so much deadwood in Foggy Bottom, they can get rid of them under the Class Act.

The gentleman agrees with that, does he not? If there are so many, why have only a few charges been filed? The gentleman gives no number of charges filed or people eliminated through the process of charges for inefficiency.

Mr. ADAIR. I would say the reason more of them have not been weeded out is because that under the civil service procedures it is difficult to do so. We are trying to make it entirely reasonable and possible and at the same time safeguard the rights of the individual and yet weed out incompetents. That is exactly the point of this portion of this bill.

Mr. GROSS. The gentleman knows very well that where there is rank incompetency and rank inefficiency, employees can be removed. The gentleman knows very well that in 1963 every one of the Class Act employees in the Department of State, with one exception, was given a meritorious rating.

Mr. ADAIR. The gentleman does not know that.

Mr. GROSS. Well, that was the figure submitted to our committee.

Mr. ADAIR. The statement that the gentleman from Iowa makes applies to AID and not to the State Department.

Mr. GROSS. All right.

Mr. ADAIR. I do not have any figures on the State Department. I do know that is true of AID.

Mr. GROSS. Yes, and they are one of the agencies covered in this bill.

Mr. KREBS. Mr. Chairman, will the gentleman yield for a question?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. KREBS. Does the gentleman or anyone else have any knowledge as to how many employees in these three agencies have been denied their step increases in the last 12 months?

Mr. GROSS. I have no such information, but I assume the committee, having had the hearings they claim to have had on this bill can readily provide the answer.

Mr. KREBS. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes.

Mr. KREBS. Can anyone on the committee tell us how many employees in the last year have not received their step increases in these three agencies?

Mr. HAYS. I do not think we have that information, and I do not think it makes any difference. You do not deny anybody a step increase unless you want him trying to engage in sabotage. You know that is the situation under civil service.

Mr. GROSS. I do not know that to be the system at all, and I do not think the gentleman from New Jersey knows that.

Mr. KREBS. Actually, if they are not denied increases and if they are not discharged for incompetency I fail to see any difference.

Mr. HAYS. You know and I know you cannot discharge anybody for incompetency. Let us face that. Try it sometime.

Mr. BELCHER. Mr. Chairman, I move to strike the last word.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BELCHER. Mr. Chairman, I do not happen to be a member of the Civil Service Committee, and I am not a member of the Foreign Affairs Committee, so I have no pride here to protect. But what I would like to have is a little information. Is it any harder to get a person discharged in the Foreign Service than it is in the postal service? Are they under the same rules?

Mr. HAYS. My answer would be it is not an automatic procedure in the Foreign Service. As I explained earlier, if a man is in the lowest 10 percent of his class for 3 years, either successively or separately, he is automatically up for selection out. It is an automatic process. The top 90 stay and the bottom 10 go out.

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An individual may, of course, be served specific charges leading to preparation for cause as may be once in the civil service.

Mr. BELCHER. I do not think the gentleman understands the question. Under the present law is it harder to discharge a person under Foreign Service than it is in the postal service or any other civil service job?

Mr. HAYS. Not as far as civil service people are concerned.

Mr. BELCHER. Why is it necessary to apply this method of getting rid of these incompetents to just one branch of Government? If your postal clerk or postmaster or supervisor or anybody else is incompetent, it is just as important to get him out of there as to get a man out of the Foreign Service who is over in Great Britain.

Mr. THOMSON of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Wisconsin.

Mr. THOMSON of Wisconsin. I think this question of getting rid of people is irrelevant to the matter before us. The principal reason for section 2 is to provide flexibility in the administration of our problems in foreign lands. If one part of the employees is under civil service and another part is under Foreign Service, it is a complicated matter of jurisdiction.

Mr. BELCHER. By "flexibility" you mean the opportunity of somebody to fire somebody?

Mr. HAYS. Not at all. In this particular amendment—you may make that argument later on, perhaps.

Mr. BELCHER. I am asking for information.

Mr. HAYS. In this particular amendment we are talking about the flexibility of assigning people at home and abroad. Let me say there is too much emphasis on getting rid of people. We are not really trying to get rid of them, we are trying to get them in a position so that they cannot be gotten rid of.

Mr. BELCHER. The real desire is that somebody can select people without going through the civil service channels. Is that correct?

Mr. THOMSON of Wisconsin. They will be selected on a merit examination.

Mr. BELCHER. But not under civil service?

Mr. THOMSON of Wisconsin. No; not under the civil service, but under the Foreign Service.

Mr. BELCHER. Who passes on the merits? That is what I want to know.

Mr. THOMSON of Wisconsin. The administration of the State Department passes on them.

Mr. BELCHER. That is what I thought. That is exactly the way these 5,400 poor boys got jobs in the Post Office Department this summer, under selection and under some kind of merits, recommended by the Congressmen from that congressional district. I am wondering if you are now going to establish a system—if it works as good as it did this summer—if the Foreign Relations Committee wants to establish that Foreign Service so that they can do the same thing.

Mr. HAYS. They are selected after an examination that is given under the Foreign Service entrance examinations. If the gentleman does not believe me, ask some of your constituents who have taken them—those who have passed and those who have not. It is the toughest entrance examination there is.

Mr. BELCHER. If they are going to be selected that way, then I cannot see the need for flexibility here.

Mr. GROSS. I wonder if this bill provides examinations for all personnel.

Mr. BELCHER. I do not know what it provides for. I am trying to find out what is so desirable about the State Department selecting people that they desire to send overseas and not have to pay any attention to the civil service. I know the Postmaster General would like to do that too. I know other departments that would like to do that. So if it is desirable for the Foreign Service, would it not be just as desirable for the postal service, the national defense, or any other department?

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield.

Mr. ADAIR. It certainly would not be desirable for the postal service. The postal service people are not out where policy is being made, or again as was said earlier, where decisions relating to questions of war or peace are being made. This is a completely different situation.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Minnesota [Mr. NELSEN].

(Mr. NELSEN asked and was given permission to revise and extend his remarks.)

Mr. NELSEN. Mr. Chairman, I am elated that there suddenly has developed a great interest in the civil service laws of the land. I might point out to the gentlemen who have so eloquently spoken in support of the civil service, I would welcome their support in getting enforcement of the laws that have been violated, this includes violations of the Hatch Act and the Corrupt Practices Act. The documentation is in the record of the FBI and the Civil Service Commission, one of the violators got in my opinion, a rather ridiculous punishment—he was promoted to a job that paid more money and that gave him more responsibility. That is a matter of record.

I might further point out in the home rule bill discharge petition that was on the desk here, under that bill Federal employees and District employees are permitted to participate in partisan city elections. We have over 200 signers of that petition, which is the beginning of the end of the civil service. I believe in the civil service. I helped to enact the laws in my own State of Minnesota setting up our civil service system. Yet we see turnstiles going around and around and Federal employees being herded through, being solicited for funds for political donations, including contributions for some Members of Congress. I believe when executive persons solicit in Federal buildings, they should be punished, but they have not been punished. We have

here today witnessed a performance of declared support for the civil service laws of the land and yet many Members of Congress close their eyes while the pockets of the Federal employees are picked for partisan purposes.

I ask the help of Republicans and Democrats to see to it that the civil service laws of the land be respected and the security and integrity of the Federal employees be preserved.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. BUCHANAN].

(Mr. BUCHANAN asked and was given permission to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Chairman, I thank the gentleman from Oklahoma for bringing up a very logical and basic argument. It seems to me, with all due respects to the chairman and other members of this subcommittee, this is against the class act itself and against the civil service itself. If it is not possible to weed out incompetents in the State Department who are civil service employees, I do not see why this is not also true in other agencies. It would seem to me the same principles apply, and that this is a challenge to the competence of the civil service system.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman.

Mr. BELCHER. I would take the position that the civil service certainly is not lily white by any means and that there are incompetents that they cannot get rid of and they have people in there that should be weeded out. I do not think the alternative is to go back to the spoils system entirely.

Apparently this is going in that direction when you say to pay no attention to the civil service. The State Department can give a very tough examination and then select the person they want to send overseas. I do not think that is an alternative to the civil service program that we have now. I certainly agree that the civil service is greatly abused.

The mere fact that civil service employees are solicited would not make it any better. I do not think there would be any less solicitation if the President got the employees.

Mr. BUCHANAN. Mr. Chairman, I support the gentleman from Montana in all three of his proposed amendments and urge their adoption by this body. By so doing we shall simply, in one amendment, guarantee to certain veterans employed by the State Department, a continuation of the same preference afforded them by every other department of Government, and in the other two amendments continue the class act benefits of civil service employees of the State Department. As has been pointed out, State is not the only Department to have both civil service and other employees. It has no unique need to eliminate class act employees from its ranks. This could, therefore, be the beginning of the end of the civil service system with its protection of the rights of people in Government service, and its func-

tion as a check and balance against the power of such executive agencies as the State Department. I urge adoption of this and the other amendments of the gentleman from Montana.

Mr. CUNNINGHAM. Mr. Chairman, there has been some talk here about not being able to get rid of incompetence. I have been on the Post Office and Civil Service Committee for 9 years. I have studied that question as well as the act we are talking about today.

There are always ways to get rid of incompetent employees. I say to the committee sponsoring this bill that if there are not sufficient tools to get rid of incompetence in the State Department, as they allege, then they are lax in their duty in not bringing us legislation to do something about it, and not to destroy the merit system, upon which so many of us have worked hard to promote, and of which we are proud. If the bill is passed, there is no question in the minds of those of us, on both sides of the aisle, who have studied the problem in depth, that we shall be on the way back to the old spoils system.

One of the speakers who is opposed to the amendment said, "This will give them more flexibility." Sure. Before we had the merit system or civil service, we had plenty of flexibility. We found out how unwise that was. That is why we have a very fine civil service system today.

Mr. HAYS. Mr. Chairman, I do not remember a time in 17 years when there has been so much heat and so little light thrown on an issue. The pending amendment has nothing to do with the merit system. It is simply an amendment which would deprive the Department of flexibility to move people in the Department around to where they can be most effectively used.

If there is any merit system in the Government at all, it seems to me that it is in the Foreign Service system which at the present moment operates under a merit system whereby the top 90 percent go on and the bottom 10 percent do not. It is exactly the same system which the Pentagon uses. One either moves up over a period of years or he moves out. We have that system in the Foreign Service officer category now. All we are trying to do is to protect it. There is plenty of protection to the people under civil service. They can stay in as long as they wish and until they retire. All we are trying to do is to be sure that people who come in at the bottom know the rules of the game. They will have to stay in the top 90 percent of their class, produce, and be effective. It is as simple as that.

The question was taken; and on a division (demanded by Mr. OLSEN of Montana) there were—ayes, 47, nays, 83.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 2, add the following new sections:

"Sec. 3. Section 201 of such Act is amended to read as follows:

"Sec. 201. There shall be a Director General of the Service (hereafter in this Act referred to as the "Director General") who

shall be appointed by the President, by and with the advice and consent of the Senate, from among Foreign Service officers in the classes of career ambassador or career minister, or in class 1."

"Sec. 4. Section 211 of such Act is amended to read as follows:

"Sec. 211. There is hereby established the Board of the Foreign Service to be composed of the Secretary of State or an officer of the Department designated by him, who shall be Chairman; the Chairman of the Civil Service Commission; and such other members as the President may designate, including representatives of those Government agencies determined by him to be substantially engaged in foreign affairs programs and activities and utilizing the foreign affairs personnel system. The Board shall perform the functions prescribed by section 637 of this Act and such other functions as the President may prescribe. The membership of the Board shall consist of not less than seven members and, for the purpose of performing the functions prescribed by section 637 of this Act, at least one more than one-half of the then current total membership of the Board shall constitute a quorum for such purpose."

"Sec. 5. Section 212 of such Act is amended to read as follows:

"Sec. 212. (a) There is hereby established the Board of Examiners for the Foreign Service the membership of which shall be determined by the Secretary and shall include representatives of those Government agencies determined by him to be substantially engaged in foreign affairs programs and activities and utilizing the foreign affairs personnel system. Not more than one-half of the membership of the Board of Examiners for the Foreign Service shall consist of Foreign Service officers.

"(b) The Board of Examiners for the Foreign Service shall, in accordance with regulations prescribed by the Secretary, make recommendations to the Secretary concerning (1) means for attracting persons of the highest caliber into the Service, (2) standards for the examination and appointment of such persons, and (3) such procedures as may be necessary to determine the loyalty of such persons to the United States and their attachment to the principles of the Constitution. The Board of Examiners for the Foreign Service shall perform such other functions and duties as the Secretary may prescribe."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 6. Section 401(3) of such Act is amended to read as follows:

"(3) Foreign Affairs officers who shall be appointed under section 522(a); Foreign Service Reserve officers, who shall be appointed or assigned under section 522(b);"

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 1, strike out "Sec. 3" and insert in lieu thereof "Sec. 6".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 3, immediately after "(3)" insert: "Foreign Affairs officers who shall be appointed under section 522(a);"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 5, immediately after "522" and before the semicolon insert "(b)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 4. Section 415(b) of such Act is amended by striking out all that follows "by this section," and inserting in lieu thereof "and he may, as appropriate, establish rates for wage board positions."

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 8, strike out "Sec. 4" and insert in lieu thereof "Sec. 7".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 5. Section 421 of such Act is amended—

(1) by striking out "any Foreign Service officer" and inserting in lieu thereof "any officer of the Service"; and

(2) by striking out "as Foreign Service officer" and inserting in lieu thereof "as an officer of the Service".

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 10, strike out "Sec. 5" and insert in lieu thereof "Sec. 8".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Sec. 9. Section 422 of such Act is amended—

(1) by striking out "Foreign Service officer or any consul or vice consul who is not a Foreign Service officer" and inserting in lieu thereof "officer of the Service"; and

(2) by striking out "Foreign Service officer or consul or vice consul" and inserting in lieu thereof "an officer of the Service".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 6. Section 441 of such Act is amended—

(1) by striking out "(a)";

(2) by striking out "at posts abroad"; and

(3) by striking out paragraph (b).

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, line 1, strike out "Sec. 6" and insert in lieu thereof "Sec. 10".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 7. Immediately preceding section 444 of such Act, add the following new section: "Sec. 443. The Secretary may establish rates of salary differential, not exceeding 15 percent of basic salary, for officers or employees of the Service while they are performing duties abroad requiring frequent travel under unusually hazardous conditions."

The CHAIRMAN. The Clerk will report the next committee amendment.



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The Clerk read as follows:

Page 5, line 5, strike out "Sec. 7" and insert in lieu thereof "Sec. 11".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, lines 10 and 11, strike out "under unusually hazardous conditions" and insert in lieu thereof "into hardship areas".

The committee amendment was agreed to.

The Clerk read as follows:

Page 5, line 12, section 516(b) of such act is amended by inserting "or 6" immediately after "class 7".

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, line 12, strike out "Sec. 8." and insert in lieu thereof "Sec. 12. (a)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, after line 13, insert the following new subsection:

"(b) Section 517 of such Act is amended—  
 "(1) by striking out 'four years' and inserting in lieu thereof 'three years', and  
 "(2) by striking out in the first sentence all that follows 'if he has' and inserting in lieu thereof 'so served one year, he shall be eligible for appointment to class 6 or 7.'"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 9. Section 522 of such Act is amended to read as follows:

"Sec. 522. (a) The Secretary may on the basis of merit and fitness appoint citizens of the United States as Reserve officers without time limitation, for temporary or limited service, or for such other period of service as he may deem necessary, and may establish appropriate probationary periods for such newly appointed officers.

"(b) The Secretary may, with the consent of the head of the Government agency concerned, assign as a Reserve officer for such periods as he may deem necessary a person regularly employed in any Government agency."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 5, line 21, strike out "Sec. 9" and insert in lieu thereof "Sec. 13".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Strike out line 23 and all that follows down through page 6, line 3, and insert in lieu thereof the following:

"SEC. 522. (a) Under such regulations as the President may prescribe, persons who have been citizens of the United States for at least five years may, subject to the provisions of subsection (c) of this section, be appointed as Foreign Affairs officers without time limitation—  
 "(1) to classes 1, 2, and 3 by the President, by and with the advice and consent of the Senate, or

"(2) to classes 4, 5, 6, 7, and 8 by the President alone or by the Secretary when directed by the President.

The Secretary may establish appropriate probationary periods for such officers. Except as otherwise determined by the President, all provisions of this or any other law applicable to Foreign Service Reserve officers are hereby extended to and shall be applicable to Foreign Affairs officers."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 6, strike out lines 18 through 21, and insert in lieu thereof the following:

"(b) Persons who have been citizens of the United States for at least five years may, subject to the provisions of subsection (c) of this section, be appointed by the Secretary as Reserve officers for temporary or limited service, or for such other periods of service as he may deem necessary. The Secretary may, with the consent of the head of the Government agency concerned, assign as a Reserve officer for such periods as he may deem necessary a person regularly employed in any Government agency.  
 "(c) No person shall be eligible for appointment under subsection (a), or under the first sentence of subsection (b), of this section unless he has passed such comprehensive mental and physical examinations as the Board of Examiners for the Foreign Service may prescribe to determine his fitness and aptitude for the work of the Service."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 10. Section 523 of such Act is amended to read as follows:

"Sec. 523. The class to which a Reserve officer is appointed or assigned shall depend on his age, qualifications, and experience. A Reserve officer appointed or assigned for worldwide service may be transferred from one post to another as the interest of the Service may require."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 10. Section 523 of such Act is amended to read as follows:  
 "Sec. 523. The class to which a Reserve officer is appointed or assigned shall depend on his age, qualifications, and experience. A Reserve officer appointed or assigned for worldwide service may be transferred from one post to another as the interest of the Service may require."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 7, line 12, strike out "Sec. 10" and insert in lieu thereof "Sec. 14".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 7, line 14, strike out "a Reserve" and insert in lieu thereof "an".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 7, line 16, strike out "A Reserve" and insert in lieu thereof "Any such".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 11. Section 527 of such Act is hereby repealed.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 7, line 19, strike out "Sec. 11" and insert in lieu thereof "Sec. 15".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 7, line 19, strike out "is" and insert in lieu thereof "and the heading thereto are".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 16. Section 533 of such Act is amended to read as follows:

"Sec. 533. Whenever the Secretary shall deem it in the interest of the Service that a staff officer shall serve in a diplomatic or consular capacity, he may recommend to the President that such officer be commissioned as a diplomatic or consular officer or both. The President may, by and with the advice and consent of the Senate, commission such officer as a diplomatic or consular officer or both, and all official acts of such an officer while serving under a diplomatic or consular commission shall be performed under his commission as a diplomatic or consular officer."

Sec. 17. Section 534 of such Act is amended to read as follows:

"Sec. 534. No person shall be eligible for appointment as staff officer or employee who has not been a citizen of the United States for at least five years at the time of his appointment. The Secretary may, in individual cases, waive the five-year citizenship requirement of this section, but no person shall be eligible for appointment as staff officer or employee who is not a citizen of the United States at the time of his appointment."

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 7, after line 20, add the following new sections:

"Sec. 16. Section 533 of such Act is amended to read as follows:

"Sec. 533. Whenever the Secretary shall deem it in the interest of the Service that a staff officer shall serve in a diplomatic or consular capacity, he may recommend to the President that such officer be commissioned as a diplomatic or consular officer or both. The President may, by and with the advice and consent of the Senate, commission such officer as a diplomatic or consular officer or both, and all official acts of such an officer while serving under a diplomatic or consular commission shall be performed under his commission as a diplomatic or consular officer."

"Sec. 17. Section 534 of such Act is amended to read as follows:

"Sec. 534. No person shall be eligible for appointment as staff officer or employee who has not been a citizen of the United States for at least five years at the time of his appointment. The Secretary may, in individual cases, waive the five-year citizenship requirement of this section, but no person shall be eligible for appointment as staff officer or employee who is not a citizen of the United States at the time of his appointment."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 12. (a) Section 571(a) of such Act is amended by inserting a period immediately after "body" and striking out the remainder of such section.

(b) Section 571(b) of such Act is amended—

(1) by inserting "or if such officer is assigned to a position the salary of which is established under the Federal Executive Salary Schedule," immediately after "international body,"; and

(2) by striking out the last sentence.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 8, line 18, strike out "Sec. 12" and insert in lieu thereof "Sec. 18".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 13. Section 573 of such Act is amended to read as follows:

"Sec. 573. The Secretary may assign or detail any officer or employee of the Service to or in cooperation with (1) educational or nonprofit institutions, or with (2) trade, labor, commercial, or other organizations. Reimbursements or advances of funds may be made to applicable appropriations when received from any such institution or organization for all or any part of the salary and expenses of any officer or employee and his dependents during such assignment or detail. The Secretary may authorize such officer or employee to accept quarters, travel, and other expenses from the institution or organization."

The Clerk will report the committee amendment.

The Clerk read as follows:

Page 9, line 2, strike out "Sec. 13" and insert in lieu thereof "Sec. 19".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 9, line 6, immediately before "educational" insert "(1)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 9, line 6, strike out "or with" and insert in lieu thereof "(2)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 9, line 7, immediately after "organizations" and before the period insert "; and (3) any office or agency in or under the legislative branch of the Government".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 9, line 15, strike out "the" and insert "such".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 14. Section 633 of such Act is amended to read as follows:

"Sec. 633. The Secretary may by regulation prescribe (1) the manner in which the standard of performance required of officers or employees of the Service is determined, and (2) the maximum period during which of-

icers or employees are permitted to remain in each class without promotion. Any officer or employee who fails to meet the required standard of performance or who is not promoted within the prescribed period may, without regard to section 637, be separated and receive benefits under section 634."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 9, line 17, strike out "Sec. 14" and insert in lieu thereof "Sec. 20".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 9, line 21, immediately after "Service" insert "below the class of career ambassador".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 9, line 23, immediately before "officers" insert "such".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 9, line 24, immediately before "officer" insert "such".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 15. (a) Section 634(a) of such Act is amended to read as follows:

"(a) Any Foreign Service officer in class 1, 2, or 3, or any staff officer in class 1, who is a participant in the Foreign Service Retirement and Disability System, who is separated under section 633 shall receive benefits under section 821."

(b) Section 634(b) of such Act is amended—

(1) by inserting immediately after "or 7" the following: "; or any staff officer in class 2, 3, 4, 5, or 6, who is a participant in the System";

(2) by striking out "from the Foreign Service Retirement and Disability Fund," in subparagraph (1); and

(3) by striking out the second and third sentences of subparagraph (2) and inserting in lieu thereof the following: "If such officer dies before reaching age sixty, his death shall be considered a death in service within the meaning of section 832."

(c) Section 634(c) of such Act is amended to read as follows:

"(c) Any Reserve officer, or any staff officer or employee who is not a participant in the System, who is separated under section 633 may be granted benefits under section 634 (b) (1)."

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 10, line 5, strike "Sec. 15" and insert "Sec. 21".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Line 7, after "officer" insert "or Foreign Affairs officer".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Line 8, strike "class 1" and insert "class 1."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Line 10, strike out "System," and insert "system and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 10, after line 12, insert "(1) by inserting immediately after 'Foreign Service officer' the phrase 'or Foreign Affairs officer'."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Line 15, strike out "(1)" and insert "(2)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Line 16, strike out "or 6", and insert "or 6".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Line 17, strike out "System" and insert "System and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Line 18, strike out "(2)" and insert "(3)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Line 21, strike out "(3)" and insert "(4)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 11, line 3, strike "Reserve officer, or any staff".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 11, line 4, strike out "System" and insert "System and".

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 16. Section 635 of such Act is amended by striking out "class 7 who is appointed" and inserting in lieu thereof "class 6 or 7 who is appointed to such class".

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The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 11, line 7, strike out "Sec. 16." and insert "Sec. 22."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 11, after line 10, insert the following:

"Sec. 23. Section 637(a) is amended by inserting immediately after the first sentence thereof the following: 'Any request for such hearing shall be made by such officer or employee within 30 days after receipt by him of written notice of such proposed separation, and the Board of the Foreign Service shall hold such hearing and render its decision within 120 days after the receipt of such request for a hearing; except that the Secretary may, under such regulations as he may prescribe, grant one extension (not to exceed 60 days) of such 120-day period upon written request from the Board of the Foreign Service or from the officer or employee concerned, for good cause shown by the requesting party.'"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 17. Immediately after section 663 of such Act add the following new section:

"SEC. 664. The Secretary may, under such terms and conditions as he deems appropriate, compensate any alien employee who is or has been imprisoned by a foreign government as a result of his employment by the United States, and may utilize for such purpose any authority of the Missing Persons Act, as amended (50 App. U.S.C. 1001 et seq.). Any such imprisonment may be considered for purposes of all other employee benefits to be a period of employment by the United States."

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 11, line 23, strike out "Sec. 17." and insert "Sec. 24".

The committee amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I know there has been some discussion of section 24, but I take this time to ask the chairman of the committee in view of the permissive language in section 24 if it is not the intent of the committee that the Missing Persons Act governs the effectiveness of this particular section.

Mr. HAYS. I would say to the gentleman that is correct insofar as it is legally applicable.

Mr. GROSS. I understand that. But this is permissive language in this section. I think I would have offered an amendment to it but you have written in the Missing Persons Act and I would like the record to show that it is the intent of the committee that insofar as the Missing Persons Act can be made to apply, it will govern.

Mr. HAYS. Exactly, that is the intent.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 18. Section 803(a) (1) of such Act is amended to read as follows:

"(1) All Foreign Service officers, or former Foreign Service officers appointed as Reserve officers or as staff officers or employees without a break in service in excess of three calendar days;"

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 12, strike out lines 9 through 14, and insert in lieu thereof the following:

"Sec. 25. (a) Section 803 of such Act is amended by adding at the end thereof the following new subsections:

"(d) (1) In accordance with such regulations as the President may prescribe—

"(A) any person transferred to the Service under section 29 of the Foreign Service Act Amendments of 1965 as a Foreign Affairs officer or as a Foreign Service staff officer or employee;

"(B) any person appointed as a Foreign Service staff officer or employee of the Department of State, the Agency for International Development, or the United States Information Agency, before the date of enactment of the Foreign Service Act Amendments of 1965; and

"(C) any person appointed for worldwide service as a Foreign Affairs officer or as a Foreign Service staff officer or employee of the Department of State, the Agency for International Development, or the United States Information Agency, on or after the date of enactment of the Foreign Service Act Amendments of 1965;

shall become a participant in the system upon the completion of at least ten years of continuous service (exclusive of military service) as an officer or employee of the Department of State, the Agency for International Development, or the United States Information Agency and shall make a special contribution to the Fund in accordance with provisions of section 852.

"(2) Any officer or employee who, under the provisions of paragraph (1) of this subsection, becomes a participant in the System, shall be mandatorily retired for age during the first year after he becomes a participant if he attains age sixty-four or if he is over age sixty-four; during the second year at age sixty-three; during the third year at age sixty-two; during the fourth year at age sixty-one; and thereafter at age sixty.

"(3) Any officer or employee who becomes a participant in the System under the provisions of subparagraph (A) of paragraph (1) of this subsection, who is age fifty-seven or over when he becomes a participant, may retire voluntarily at any time before mandatory retirement under paragraph (2) of this subsection and receive retirement benefits under section 821.

"(e) Any participant who is appointed as a Foreign Affairs officer or as a staff officer or employee without a break in service in excess of three calendar days shall remain a participant."

"(b) The amendment made by subsection (a) of this section shall become effective on the first day of the first month which begins more than one year after the date of enactment of this Act, except that any Foreign Affairs officer or Foreign Service staff officer or employee who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under the amendment made by subsection (a) may elect to become a participant effective on the first day of the second month following the date of his application for earlier participation.

"(c) Section 803(c) of such Act is repealed effective as of November 1, 1967."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 19. Section 911 of such Act is amended by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon and by adding at the end thereof the following new paragraph:

"(11) travel and related expenses, without regard to the provisions of this or any other law, whenever he determines that such expenses are incident to appointment, service, or separation of officers or employees of the Service, including any such expenses of the members of their families"

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 14, line 23, strike out "Sec. 19" and insert "Sec. 26".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 15, line 5, after the word "that" insert "extraordinary conditions, or circumstances involving personal hardship, warrant the payment of".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 15, line 7, strike out "are".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 20. Section 921 of such Act is amended by adding at the end thereof the following new paragraph:

"(d) Notwithstanding the provisions of any other law, assets derived after January 1, 1950, from any non-Government-operated commissary, mess service, or recreational facility abroad, through termination or otherwise, may be established as a working fund. Such fund may be used by the Secretary, without fiscal year limitation, for the purposes of this section."

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 15, line 11, strike out "Sec. 20" and insert in lieu thereof "Sec. 27".

The CHAIRMAN. Without objection, the committee amendment is agreed to.

The Clerk will read.

The Clerk read as follows:

SEC. 21. Immediately after section 943 of such Act add the following new sections:

"SEC. 944. The Secretary is authorized to continue medical services under part E of this title beyond the date of death or separation of an officer or employee.

"SEC. 945. Without regard to the provisions of any other law, the Secretary may provide for cooperation in, or interchange of, medical and related services and property abroad between the United States Government and foreign governments or international organizations under such terms and conditions as he deems appropriate. Any funds received under such arrangements may be used for direct expenditure or for reimbursement of applicable appropriations."

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:



Page 15, line 20, strike out "Sec. 21" and insert in lieu thereof "Sec. 28".

The CHAIRMAN. Without objection, the committee amendment is agreed to.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 15, line 22, strike out "The" and insert in lieu thereof "Under such regulations as he may prescribe, the"

The CHAIRMAN. Without objection, the committee amendment is agreed to.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 15, line 23, strike out "continue" and insert in lieu thereof "provide".

The CHAIRMAN. Without objection, the amendment is agreed to.

The Clerk will read.

The Clerk read as follows:

SEC. 22. The President is authorized, with regard to the provisions of this or any other law, to provide for the transfer, within three years after the date of enactment of this section, of all personnel (except officers compensated in accordance with the Federal Executive Salary Schedule) in or under the Department, the Agency for International Development, and the United States Information Agency, and such personnel as he may designate of other Government agencies who are engaged in foreign affairs functions, to an appropriate class in the Foreign Service Reserve or Foreign Service staff. Each officer or employee so transferred shall receive basic compensation at the rate of his class determined to be appropriate by the Secretary, except that the rate of basic compensation received by any officer or employee immediately prior to the effective date of transfer shall not be reduced by the provisions of this section.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 16, line 12, strike out "Sec. 22" and insert in lieu thereof "Sec. 29".

The CHAIRMAN. Without objection, the amendment is agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 16, beginning in line 14, strike out: "transfer, within three years after the date of enactment of this section, of all personnel" and insert in lieu thereof "transfer of all officers and employees".

The CHAIRMAN. Without objection, the committee amendment is agreed to.

The Clerk will report the next committee amendment.

Page 16, line 17, strike out "in or under" and insert in lieu thereof "or".

The CHAIRMAN. Without objection, the committee amendment is agreed to.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 16, line 18, immediately after "Department" and before the comma insert "of State".

The CHAIRMAN. Without objection, the amendment is agreed to.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 16, line 19, immediately after "Agency", insert "without examination,".

The CHAIRMAN. Without objection, the amendment is agreed to.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 16, beginning in line 20, strike out "and such personnel as he may designate of other Government agencies who are engaged in foreign affairs functions, to an appropriate class in the Foreign Service Reserve or Foreign Service staff" and insert in lieu thereof, "to appropriate classes under the Foreign Service Act of 1946, as amended, as Foreign Affairs officers, Reserve officers, or staff officers or employees; except that no officer or employee shall, without his written consent, be transferred under this section".

The CHAIRMAN. Without objection, the amendment is agreed to.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 17, line 3, strike out "so transferred" and insert in lieu thereof "who transfers under this section".

The CHAIRMAN. Without objection, the committee amendment is agreed to.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 17, after line 8, add the following new sentence: "No officer or employee who transfers under this section shall be assigned outside the United States without his written consent."

The CHAIRMAN. Without objection, the committee amendment is agreed to.

AMENDMENT OFFERED BY MR. OLSEN OF MONTANA

Mr. OLSEN of Montana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 16, beginning at line 12, strike out all of section 29.

(Mr. OLSEN of Montana asked and was given permission to revise and extend his remarks.)

Mr. OLSEN of Montana. Mr. Chairman, in the earlier part of this bill the Foreign Service obtained its flexibility, that is, it obtained the authority to transfer officers or civilians in or out of the United States from the U.S. bases to foreign bases or back. They had that flexibility under the act the way it is now. However, when we get to this section here, they are asking for authority to transfer civil servants from their civil service status into Foreign Service status. It is true that those who are presently in service cannot be transferred unless they are willing to do so. However, the jobs when gone will be forever gone as civil service jobs and will be Foreign Service jobs. It is the principle, of course, to which I object, that here an agency is going to pull out entirely from the Civil Service Act and have their own merit system as distinct from the general merit system of the Government. If that system were to be followed and taken up by each agency in the Government of the United States, we could have 60 or 65 different merit systems. I do not think we want that kind of duplication of merit systems. It is true this would be the first one.

One other thing that is in this particular section of the bill is that these people who are transferred out of civil

service into the Foreign Service lose in addition all civil service protection and go into a different merit system. They also lose all of their veteran's preference rights. They are forever gone, too.

This amendment and one which I will offer a little later both have to do specifically with the complete elimination of civil service and veterans' preference. In this section it is only inferentially done in that you say people are being transferred out of civil service status and into Foreign Service status, but in the next amendment they spell it out specifically that the Classification Act is repealed insofar as these people are concerned and the Veterans' Preference Act is repealed insofar as all of these people are concerned.

So this amendment is equally as important as the next one I will offer in that by my amendment we would retain civil service status for these people and we would retain their veterans' preference rights and there would be no transferring them even with their consent nor, indeed, would there be a transfer of their jobs during the lives of these people in this Department.

I think it is very highly important that the civil service rights of people be protected and that their veterans' preference rights be protected. It is by this amendment that we would retain those rights for these people.

Mr. Chairman, I now yield to the gentleman from New Jersey [Mr. KREBS].

Mr. KREBS. Mr. Chairman, I thank the gentleman for yielding.

I wish to be associated with his amendment and urge its adoption.

[Mr. KREBS addressed the Committee. His remarks will appear hereafter in the Appendix.]

(Mr. KREBS asked and was given permission to revise and extend his remarks.)

Mr. OLSEN of Montana. Mr. Chairman, now I want to say something about the selection-out system. Under the civil service system today, by making charges and proving them people can be discharged from employment, but in the Foreign Service they want a bigger advantage than that. They want selection out where they can wash out the lower 10 percent, so-called, simply because they are placed in the lower 10 percent by someone who is grading them. There is not the benefit of knowing the charge or who makes the charge. There is not the opportunity to defend one's self against the specific charge made. That is the trouble with the selection-out system. This system is not necessarily a merit system at all.

It is a new method of firing people. I think it has some serious wrong in it in that it would encourage the subordinate to curry the favor of his superior so that he will tend to agree with his superior instead of giving his superior an independent judgment.

The CHAIRMAN. The time of the gentleman from Montana [Mr. OLSEN] has expired.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

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The gentleman has commendable zeal in wanting to protect civil service employees, but he is taking the position in his amendment that he knows better than the civil service employee himself. He wants to protect the civil service employee from the right voluntarily to transfer to the Foreign Service. We wrote language in here, all of the members of the minority and majority concurring, on page 17, line 9:

No officer or employee who transfers under this section shall be assigned outside the United States without his written consent.

The substance of the gentleman's amendment would be to take away from these people the right to transfer if they want to. They do not have to transfer. They may stay in there for the rest of their career in government until they are age 70, if they wish. But if they want to transfer to the Foreign Service, if they want to be eligible to serve abroad, this section gives them that privilege.

I would say that it has nothing to do with veterans' preference. Nobody is giving up anything here unless he gives it up voluntarily.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. MAILLIARD. The effect of this amendment would go even further than that. I presume today that a civil servant, could transfer; he could become a Foreign Service Reserve Officer or perhaps even qualify for the Foreign Service itself if he wanted to do so under existing law.

Mr. HAYS. Under an examination,

Mr. MAILLIARD. That is right. But what this does is to permit him to do so with the guarantee that he will not be employed at a lower salary, and with other protections which he does not have under existing law. If there is anything that discriminates against present civil service employees in the Department of State, this amendment would discriminate against him.

Mr. HAYS. There is no question about it. Further than that, the gentleman says that we are asking for a new system. We are not asking for any new system. The Foreign Service Officer system exists now. The selection-out system exists now. The funny part of it is that not one person down in the Department has written to me, either signing his name or anonymously, saying that he is against this—not one civil servant.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield.

Mr. DENT. This last statement by the gentleman saying that if this amendment is accepted they could not dismiss, could not demote, could not transfer a civil service employee—I doubt if there is any employer in the United States who would give that kind of contract under a union contract. We are trying to hold civil service up as a sacred cow and it is not. What we have done in most instances is we have taken the spoils system out of political control and turned it over to individual control.

The greater percentage of our civil service appointments, above the lower grades, are made by the civil service employees themselves. They are the ones who know about the vacancies. They get their friends, their relatives, admitted into the civil service system and you cannot oust them with any kind of barrage less than an atom bomb.

Every person in this Congress knows that you get the worst kind of service for your constituents from those who are imbedded into the system. You cannot get answers to questions that constituents ask you in the normal run of your office. They get caught into the system and all they work for is advancement to a higher grade and retirement. They know as much about running the U.S. Government on the basis of service as a couple of schoolboys. Everybody knows that. Everyone knows that in civil service as it is now run it is a personal patronage operation for the civil service fellows that are in the office.

Mr. HAYS. I thank the gentleman from Pennsylvania for his contribution and say that this committee does not necessarily associate itself with all the views of the speaker.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I have been very impressed this afternoon with the manner in which the chairman of the subcommittee and the other members of the subcommittee have tried to attempt to afford the civil service employees the protection of making a choice. For the legislative Record I would like for it to be just as clear as it can be made at this point that the Members of the House in affording this language simply want them to have the freedom of choice and that we do not, as many of us are suspicious, expect this department or any of these agencies to harass or intimidate the employees or to pressure them to make a choice in favor of a transfer, when the language is as clear as I think it is.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(Mr. HAYS asked and by unanimous consent was granted permission to proceed for 2 additional minutes.)

Mr. HAYS. That is exactly the intent of the committee and I want to say further to the gentleman that there has never been a case of that kind brought to the attention of the chairman of this subcommittee since I have been the chairman that has not been thoroughly investigated. As I said earlier, there is no department that has a subcommittee looking down its neck more strongly than this subcommittee is looking down the neck of the State Department. We will not stand for it. All they have to do is to bring it to our attention.

There has been some talk about this person or that person having been mistreated, but they have never appealed to this subcommittee chairman.

I have had two cases of selection out brought to my attention by Members of the House and I reviewed them. I asked

the State Department for the file. I looked at the file and in both cases I thought they had gone too far and I told them they ought to give them another chance, and they did. That is the kind of protection they have.

Mr. Chairman, someone said, "You have no right to face your accuser." Every one of these reports, annual reports, must be shown to the man about whom it is made by the man who makes it and signed by him. They do know. These reports are made by many different people all over the world. The individual is evaluated in comparison with all others in this class. On this basis it is determined whether he should be recommended for promotion or fall into the low 10 percent of his class. Once he is in there, he is warned. He knows it and he can improve.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield further?

Mr. HAYS. I yield further to the gentleman from North Carolina.

Mr. HENDERSON. As the bill was sent up to your committee, it is obvious that the agencies involved here wanted the authority to transfer these employees from civil service positions into the Foreign Service.

I commend the committee for the action it has taken in behalf of the employees, and I think rightly so, fearing that when the boss wants that authority in the beginning, they do not know to whom to look for protection.

I believe the statement which the gentleman from Ohio has made is fair protection to them and, certainly, as one Member interested in the civil service system I will call that to your attention if they are not.

Mr. HAYS. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(Mr. HAYS asked and by unanimous consent was given permission to proceed for 1 additional minute.)

Mr. HAYS. Every commission or body that has studied this dual personnel system starting with the Hoover Commission, the Ramspeck Commission, the Herter Committee, has recommended this. This is an honest attempt by the committee to write language by which the foreign affairs agencies can improve themselves.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New Jersey.

Mr. JOELSON. With reference to the selection-out system, I have two questions:

First. Are there standards of grading those who are in the first 90 percent and then the lower 10 percent; and

Second. Is there any appeal from this classification?

Mr. HAYS. Yes. The selection boards are given precepts or instructions to guide them in the application of standards. In the case of selection out there is an administrative appeal. In separation for cause an appeal may be made to the Board of the Foreign Service. The administration did not put this in the proposed legislation, but we deliberately made the Civil Service Com-

mission Chairman a member of the Board of the Foreign Service in order to provide some measure of reassurance to civil service personnel who may elect to enter the Foreign Service system.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words. (Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I am pleased to hear the interest which the gentleman from Ohio takes in the employees who have been unjustly treated in the various agencies of the Government. But I do not believe that this should be a responsibility of any subcommittee chairman, the chairman of any committee, or any one Member of Congress. The laws should be written and administered to make this a concern of all.

The protection, as best as it can be written, ought to be written into the law because the gentleman might not be here forever.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. May I say I think the gentleman is exactly right. I cited these cases to show that the Department is not trying to get rid of anybody. In most of these cases the individual came in and talked to me. In both cases they said "I have not given my best, and I would like one more chance." I did not say to the Department "You have to give him a chance." I did not have that authority. But I called in the Assistant Secretary. I went over it with him, and I said "This fellow admits he has not given his best. He wants a chance to improve his position. Do you not think it might be in the interest of the United States to give him that chance?" He said "Yes." The man is on notice that he has got to do better, and I think maybe he will, but I want to say to the gentleman he knows and I know no system which is run by human beings is going to be perfect. I do not claim this one is, and I am sure the gentleman does not claim the civil service is. But I think he will have as much protection as he has under the civil service.

Mr. GROSS. I wish I could agree with the gentleman on that last statement, but I cannot. The gentleman from Pennsylvania (Mr. DENT) a moment ago spoke of all the abuses in the civil service. No one denies that there are abuses, but there is nothing in this bill to guarantee that there will not be abuses rampant if this is enacted. When you turn over to the hierarchy in the State Department the wide-open authority provided here, without the protection such as the civil service affords, there is every reason to believe the abuses will be worse.

I would like to ask the gentleman: To whom will the civil service employee, who goes over to the Foreign Service, appeal if charges are preferred against him?

Mr. HAYS. The Board of Foreign Service.

Mr. GROSS. The truth of the matter is that you are going to compel these

present class act employees, those who go into the Foreign Service, and all new employees, to take their appeals to a hand-picked board in the State Department, and to no one else?

Mr. HAYS. Let me say to the gentleman if it is as bad or will be as bad as the gentleman makes out, there will be no employees. They go in there voluntarily, they know what the rules of the game are. The Foreign Service people are all under these regulations. We have hundreds more applications than we can use. That is why they have a stiff examination, and I do not think the gentleman has to worry about them. You know, when you run for Congress, you may not get elected.

Mr. GROSS. The gentleman reminded me of that a while ago.

Mr. HAYS. I am talking about myself. Whenever any of us runs for Congress we know that the voters may select us out, but we are willing to take the chance.

Mr. GROSS. I want them to have the opportunity to appeal to what amounts to a fair and impartial jury. Under the terms of this bill it is going to be a hand-picked jury to which the employee appeals.

Mr. HAYS. No more than the civil service.

Mr. GROSS. The gentleman knows that the civil service procedures are far different from this?

Mr. HAYS. Yes, the appeals procedures are not identical.

Mr. GROSS. Especially with the veterans' preference, which you are determined to throw out.

Mr. HAYS. That comes in another amendment—that has nothing to do with this one.

Mr. GROSS. I understand that perfectly. But it does not for 1 minute change the fact that if this bill is enacted the hierarchy in the State Department will be given power that is held in no other agency or department of government.

If the civil service is as bad as the proponents of this legislation say it is then the administration and the majority leadership in Congress ought to demand that the Post Office and Civil Service Committee take action to abandon the system or correct the alleged abuses. To erode and abandon civil service in one department and two or three agencies to the exclusion of all others is incredible and I am amazed that there is no protest from President Johnson.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the amendment and I shall not speak at length on it, but I was very distressed a few moments ago to listen to the violent and vicious attack—the violent and vicious attack that the gentleman from Pennsylvania (Mr. DENT) made upon our civil service system. I felt worse when he concluded his remarks and heard the hilarity and laughter on his side of the aisle. This is a reflection upon the wonderful people we have working in the Federal service. Of course, out of 2½ million you are not going to have them all perfect. But I have been around here for 9 years and I have worked with these people and the

system. I have high regard for John Macy, a very dear and personal friend of mine. He is doing an excellent job. So when a Member, as the Member from Pennsylvania did, makes such a violent and vicious attack upon this wonderful civil service system, it certainly does not sit well with me and I am certain it will not sit well with the employees throughout the United States.

It was also stated that you cannot dismiss or demote these people in the State Department foreign service. This is not so. They can be demoted and they can be dismissed. It would be ridiculous if it were any other way. I might say too, I believe the gentleman from Ohio (Mr. HAYS) mentioned favorably the Ramspeck report. I do not have too much regard for that. He is the one who just recommended or who has recently recommended that the Post Office Department increase the postage rates for all religious newspapers in this country and I think all of you have received letters as a result of that report.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield.

Mr. HAYS. I would just like to correct one statement which I am sure the gentleman makes inadvertently.

The people under the foreign service cannot be demoted. They have rank in their position and once they attain that, you cannot demote a fellow to humiliate him or for any other reason just as you cannot under the civil service.

Mr. CUNNINGHAM. I thank the gentleman.

I made note of one of the speakers on your side who is opposed to the amendment. He made the statement that you could not dismiss or demote them and I accepted the gentleman's statement.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman who made the vicious attack on the civil service system.

Mr. DENT. You know, once when I was a boy my father told me, "Beware of a man who tries to climb a ladder on your shoulders." If you want to get in good with the civil service boys by saying that I made an attack on them and that you are their great defender, all I can say to you is that you had better get a broader sword and a larger shield.

The civil service people have known me for 33 years in and out of legislative halls. I have defended them when they have been right and I fight them when they are wrong. I say to you, and I repeat, it was not a vicious attack. If you know what viciousness is, you ought to hear me talk when I have something to talk that way about.

Mr. CUNNINGHAM. I just hope the gentleman will leave his remarks in the Record and let the record speak for itself.

Mr. DENT. Mr. Chairman, I move to strike out the necessary number of words.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. HAYS. Mr. Chairman, will the gentleman yield for a unanimous-consent request?



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Mr. DENT. I yield to the gentleman.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendments thereto, close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DENT. Mr. Chairman, I want first to advise the gentleman that in 33 years I have never changed a record of any word I have ever said on the floor of any legislative body. It was the greatest surprise to me when I came to the Congress to find that a Member can say something on this floor, and then when you read the RECORD it is entirely different from what was said. I do not change my words. I want to add, though, since I have the time—and I defy the gentleman to deny this statement—there are less family units—less family units in the total number of employees under civil service than any other group of employees in the United States of America. That is what I said in my earlier remarks. I am not talking about the little civil service fellow, the pick-and-shovel civil service fellow. I am talking about the vast majority of civil servants who never took an examination of any kind. They have been railroaded into the civil service and sealed into the civil service. If the gentleman does not know that, he is lacking in his knowledge of what he is talking about on the floor.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. I am glad that the gentleman is softening his remarks that he made earlier.

Mr. DENT. They say something about Yale people. I do not know whether the gentleman went to Yale or not. The statement is, "You can always tell a Yale man, but you can't tell him much."

I believe that is exactly the position that the gentleman is in. I am not softening my remarks; I am adding to them. I am saying to anyone who is within hearing of my voice—and it is not easy to be out of the hearing of my voice—and to all others that this is not an attack upon the civil service system. It is upon those within the civil service. I do not know how many have had the experience I have had there. I have received letters and I have copies of letters that show that I have written the Department as long as 6 months ago. I have yet to get an answer. Have Members taken the time to go through the regulations on civil service?

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield.

Mr. HAYS. How long does it take to get an answer from the office of the average Congressman?

Mr. DENT. If I do not answer a letter within at least 2 days, I get a telephone call reversing the charges.

Go over and look. Members will find that it takes a room—and I am just guessing—to house all of the civil service regulations pertaining to employment

which is 80 feet long, 12 feet high, and about 16 feet deep.

There is not a person here who can defend a person under the civil service law successfully who is being dismissed, because there is always some particular section of the regulations that can be applied. There is not a person here who can take an examination and be guaranteed to be given that particular job, because a certain amount of the civil service examination is oral and it is within the power of the person who gives it to determine who gets the job.

We hear about civil service for postmasters. Why, there are some 20 men and women who have taken postoffice examinations who were never examined. All of a sudden they got on a civil service list, being listed 1, 2, and 3. Do you know what is funny? Nine out of ten times in my district they are Republicans, and I am a Democrat. That is why you defend them.

I noticed another thing. In any political entity the minority is always for civil service, and the majority should be against it.

There was a great writer in our country who wrote a series of lectures. He is the founder of Temple University.

One of his great lectures was entitled "Acres of Diamonds." One of the things he said in his lecture on that subject which has stuck with me throughout these years is, "When a nation succumbs to the wiles of the civil service system, that nation has started down the road into oblivion."

That man was much smarter than I shall ever hope to be. He founded a great institution. I think that if you will go back through history, you will find that when the civilians of the world got to the point where all the duties of the Government were in the hands of man servants, not responsible to the people, that Government went into oblivion.

Civil service for the people within a certain grade is perfect. It is like a union contract for a worker. But, remember, no union contract could ever be written which would give the rights that were given civil servants. When you cover civil servants up to a certain grade, that is all right, but when you cover policymakers under civil service, you have given your Government away.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. OLSEN].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 23. It is the policy of the Congress that any Chief of Mission, whenever he deems it appropriate, shall prepare and submit reports relating to the service of any officer or employee of the United States serving in the country to which the Chief of Mission is accredited.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 17, line 12, strike out "SEC. 23" and insert in lieu thereof "SEC. 30".

The CHAIRMAN. Without objection, the amendment is agreed to.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 17, beginning in line 12, strike out "It is the policy of the Congress that any" and insert in lieu thereof "Any".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 17, line 14, strike out "shall" and insert in lieu thereof "may".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 24. Existing regulations applicable to the Service shall remain in effect until revoked or rescinded, or until modified or superseded by regulations made in accordance with the provisions of this Act, unless clearly inconsistent therewith.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 17, beginning in line 17, strike out: "SEC. 24. Existing regulations applicable to the Service" and insert in lieu thereof:

"SEC. 31. Regulations of the Department of State, the Agency for International Development, and the United States Information Agency".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 25. (a) The provisions of the Civil Service Act of January 16, 1883, as amended, section 6 of the Act of August 24, 1912, as amended (5 U.S.C. 652), the Veterans' Preference Act of 1944, as amended, and the Classification Act of 1949, as amended, shall not apply to officers and employees of the Foreign Service of the United States.

(b) Section 1007 of the United States Information and Educational Exchange Act of 1948 is repealed.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 17, line 24, strike out "SEC. 25" and insert in lieu thereof "SEC. 32".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 17, line 25, immediately after "amended," insert "subsections (a) and (b) of".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 18, line 2, immediately after "652" and before the parenthesis insert "(a) and (b)".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. ADAIR

Mr. ADAIR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAIR: On page 18, immediately after line 5, insert the following new subsection:

"(b) It is the policy of the Congress that, in the employment of officers and employees

of the Foreign Service of the United States, preference shall be given whenever practicable to qualified individuals who, except for the provisions of subsection (a) of this section, are entitled to the benefits of the Veterans' Preference Act of 1944, as amended.

"And redesignate the following subsection accordingly."

Mr. ADAIR. Mr. Chairman, we have heard much this afternoon about the matter of the protection of veteran's preference. It has been pointed out here, I think entirely adequately, that we are entirely willing to protect veterans' rights to the fullest extent consistent with the theory and philosophy of this act. It has been made abundantly clear that the process of selection out, whether it relates to the firing of people or whether it relates to the process of selection toward promotion, in either of those instances there is an inconsistency with the full implementation of the Veterans' Preference Act. I have met with leaders of the veterans organizations in an effort to try to work out some solution to this problem. I must say in frankness that what I propose here is not entirely satisfactory to the leaders of the veterans organizations. I think it is as far as we can go in an effort to give additional protection beyond that initially written into the Veterans' Preference Act.

Let me call the attention of the committee to the fact that the veterans organizations or the veterans groups themselves have had something to say on this point. In 1963 the Secretary of State addressed the American Legion convention and invited them to send in a task force to investigate the Department of State and make recommendations. They responded to that. They appointed a commission of five men headed by a former national commander, the other four being departmental commanders.

That commission was given full and free access to the State Department. If you read their report you will see that they have nothing but good things to say about the attitude of the Department in making information available to them. Obviously, we cannot read the whole report, but let me read two brief excerpts from this report. This is the report of the commission. It was never adopted by the Legion as a whole, but it is the report of this commission.

They say in one place:

The committee feels that an annual review, comparable to that made in the case of Foreign Service officers, should be made also in the case of all principal officers of the Department, other than the Secretary.

Let me read again:

The Department should intensify its efforts to weed out mediocre personnel by increasing materially the number selected out on the basis of selection board evaluations.

That is what was said by this commission of the American Legion. What we are saying by this amendment, Mr. Chairman, is that whenever practicable preference shall be given to persons who, apart from the provisions of this act, would be entitled to the Veterans' Preference Act. It seems to me that by this we are preserving the philosophy and the intent of the Veterans' Preference Act.

I said earlier in the afternoon that it is certainly my feeling, and I think the feeling of all members of the subcommittee, that in this very limited curtailment of veterans' preference which we find necessary you certainly are not setting a precedent. We are rather attempting to weigh the national interests, the national well-being, against a small limitation that we place against the Veterans' Preference Act.

Therefore, Mr. Chairman, because we do go to the extent possible, because if this amendment is adopted it says that they will be given preference whenever practicable, I would urge the adoption of this amendment to the bill now before us.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I share the concern of the gentleman for the retention of the Veterans' Preference clause in the law. I would like to know how he would construe this term "whenever practicable" in the language which he has used.

For example, if you had two employees of equal ability and equal grades under test, and so forth, would you recommend in a situation like that that veterans' preference would apply?

Mr. ADAIR. There being no other questions involved, on an equal basis completely—that is the gentleman's question—my answer to the gentleman's question would be that being on an equal basis I should think that the provision "whenever practicable" should be effective and the veteran should be given consideration.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. HAYS. I agree with that. Let me suggest an example. We have two men of equal rank and equally good. They want to send a man to Greece. Neither one can speak Greek. There the veteran would have preference. But if you had two men who were otherwise equal, but one could speak Greek fluently, then I say that we would make the exception and send the man with that extra qualification, to Greece.

Mr. EDMONDSON. Mr. Chairman, I do not think that any veteran would like to see veterans' preference applied if the result were to entrench mediocrity in a job. On the other hand, I certainly think that veterans' preference should apply under the situation described by the Chairman.

Mr. OLSEN of Montana. Mr. Chairman. I move to strike out the requisite number of words.

Mr. Chairman, I want to address a question to the chairman of the subcommittee. Does the Veterans' Preference Act now apply to any of the Foreign Service officers?

Mr. HAYS. No, sir; it does not.

Mr. OLSEN of Montana. And it has never?

Mr. HAYS. No.

Mr. OLSEN of Montana. The bill here actually, so far as veterans' preference is concerned, takes away from those people who presently are civil servants

and have civil service status, the benefit of veterans' preference. But it does not in any way affect the veterans' preference with respect to Foreign Service officers?

Mr. HAYS. No, sir; it does not.

Mr. OLSEN of Montana. I thank the gentleman.

Mr. HAYS. It does not take it away from anybody unless he voluntarily goes into the service.

Mr. OLSEN of Montana. I understand that.

Mr. HAYS. If they are veterans now, they do not have to enter.

Mr. OLSEN of Montana. Mr. Chairman, until consideration is given to this bill civil servants in the employ of the Foreign Service, in the employ of the State Department have the benefit of veterans' preference. Henceforth after the passage of this act, it is true they do it voluntarily, but henceforth after the passage of this act a civil servant whether he be a part of the State Department or the Foreign Service system will lose veterans' preference.

Mr. Chairman, this is one thing I am sure the veterans' organizations protest most about. Here is an agency that is going to be exclusively exempt from the Veterans' Preference Act. They look upon this as the first step toward abandoning veterans' preference perhaps in other agencies.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman from Ohio.

Mr. HAYS. I think the gentleman and I could get an area here on which we could agree, perhaps. I do not think that any veteran or any veterans' organization should confuse this with the Adair amendment, which I am going to say the majority is willing to accept, as a diminution of veterans' preference.

I would like to say further that most of the young fellows coming in today who take the examinations are not veterans and are at the bottom of the list and know that they do not have veterans' preference. But what the proposed Adair amendment would do would be to extend this throughout the entire Foreign Service. I think whenever practicable that is taken into account. If you had a situation where there is no veterans' preference in Foreign Service Officer Corps, the Administrator will have to take it into account.

So the gentleman from Indiana says there is diminution on one hand, but there is a gain on the other. I look upon it as a practical matter, as a net gain to the veteran.

Mr. OLSEN of Montana. The gentleman from Ohio does not presume that the Foreign Service officers are going to permit veterans' preference to be practicable in that instance?

Mr. HAYS. Indeed I do.

Mr. OLSEN of Montana. They never have before.

Mr. HAYS. They never had it before, but they will have it now.

Mr. OLSEN of Montana. They could have had it before if they wanted it.

Mr. HAYS. They are Presidential appointees, subject to confirmation by the Senate.

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Mr. OLSEN of Montana. In any event, it is only for those that would get such dispensation. Veterans' preference would apply to clerks and stenographers and ordinary employees who are comparable to the ordinary civil servants in other agencies of the Government.

Mr. HAYS. I think we are really tilting at windmills.

Mr. OLSEN of Montana. It has been the experience I have observed that there is always an attempt in every case to avoid veterans preference, and I believe if there was ever a time when we should maintain the preference for veterans it is in a time such as we are experiencing right now.

I recommend most strongly to the Committee that this amendment of the gentleman from Indiana [Mr. ADAIR] be rejected and that you adopt some other amendment that will guarantee veterans preference which I intend to offer at the appropriate time that will strike all of this section from this bill that eliminates veterans preference and thus we will have veterans preference remain in the status quo.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman.

Mr. CUNNINGHAM. Mr. Chairman, it was brought out in general debate by many of us that this amendment means nothing. It is a sort of "sense of Congress" thing. It has no force or effect.

I understand an amendment will be offered that will really do the job. So I would agree with the gentleman that this amendment should be voted down and the amendment that will be offered which will really do the job and give the veterans protection should be adopted.

Mr. HAYS. Mr. Chairman, I rise in support of the pending amendment, and wish to say that we on the majority side are willing and anxious to accept the amendment offered by the gentleman from Indiana.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. FARBSTEIN. I would like for the RECORD to be explicit. In the event a question arises as to whether or not a veteran is to get preference, wherever practicable, under this amendment, is there a power of appeal if the veteran feels he is not getting all the practicable preference that is required?

Mr. HAYS. He could appeal to the Board of Examiners for the Foreign Service.

Mr. FARBSTEIN. But today, and prior to this amendment, there was no right of appeal?

Mr. HAYS. He never had any right if he was a Foreign Service officer.

Mr. FARBSTEIN. And this amendment would give him that right.

Mr. HAYS. I would say that all other things being equal they would have to take the veteran.

Mr. MORSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I congratulate the gentleman from Indiana for offering this

amendment, and I congratulate the distinguished chairman of the subcommittee for accepting it. What is being accomplished by the Adair amendment is to extend, rather than to contract, the concept of veterans rights and privileges. In earlier years I had considerable to do with veterans affairs. In opposing this amendment you are not doing what is proper. For the first time, this amendment would permit the Foreign Service to give a service to those they are seeking to protect.

Mr. JOELSON. Mr. Chairman, I move to strike the requisite number of words.

(Mr. JOELSON asked and was given permission to revise and extend his remarks.)

Mr. JOELSON. Mr. Chairman, I have listened, and I think I have learned something about this matter of selection out. This selection out seems to me to be fancy State Department jargon for automatic firing.

If someone is evaluated to be in the lower 10 percent for a certain period of time, he is dismissed. I think that makes for terrible morale in the Department, and instead of people being allies on these jobs, they become competitors. If one man helps another to succeed, he may thereby put himself in the lower 10 percent.

I am not objecting to evaluation. I think there should be standards, and that if somebody fails to meet those standards, he should be relieved of his job. But I do not think that should be 10 or 15 or 20 percent. I think that makes for terrible morale. It is not only cruel to the personnel, but it creates distrust among coworkers, and I think we should think twice before extending such a system.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. JOELSON. I yield to the gentleman from Ohio.

Mr. HAYS. I want to correct one impression, and that is the selection out is not automatic. The eligibility for selection out is automatic.

Mr. JOELSON. He does not have to go, but if he is in the lower 10 percent he can be fired.

Mr. HAYS. Why not? You do not want to keep everybody, even as low as 1 percent, if they are not doing their work?

Mr. JOELSON. If it is a crack organization, the lowest 10 percent might be very capable. I do not think this business of eliminating the lower 10 percent is wise. If he does not meet certain standards, get rid of him, but do not have a magic number that spells disaster.

Mr. HAYS. The gentleman is aware that the lower 40 percent in colleges, so far as the freshmen are concerned, are eliminated?

Mr. JOELSON. Yes; and I think it unwise.

Mr. HAYS. That may be right, but it is done. We are only asking for 10 percent.

Mr. FARBSTEIN. The gentleman is aware of the fact that this has to go on for 3 years; that is, he has to be in the lower 10 percent for 3 years. The fact is

if he is in the lower 10 percent for 1 year, and then is higher the next year, he is not in the lower 10 percent.

Mr. JOELSON. Somebody else is and they ax him out.

Mr. FARBSTEIN. It has to be in the lower 10 percent for 3 years.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, this is the first real assault I know of since 1953 upon the Veterans' Preference Act. I am surprised at some of those who stood so adamantly against virtual repeal of the Veterans' Preference Act insofar as the State Department is concerned in 1953. They are nowhere to be found today defending the act. What has happened in the meantime? But I see none of them arise here today.

I say again, this amendment offered by the gentleman from Indiana is a sop and it ought to be defeated. Then the amendment that will be offered by the gentleman from Montana ought to be adopted and veterans' preference thus retained. This I say again is the first real assault on the Veterans' Preference Act in years and it must be stopped.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto cease in 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Chairman, I would just like to say in defense of the gentleman from Indiana [Mr. ADAIR] that this is not a sop. This is a good amendment. It is definitely not an assault on veterans' preference. It is for the good of America and for a better Foreign Service.

As I said before, the majority of the committee is willing to accept it and I ask that the amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ADAIR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OLSEN OF MONTANA

Mr. OLSEN of Montana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLSEN of Montana: On page 17, beginning at line 24, strike out all of section 32.

The CHAIRMAN. The gentleman from Montana [Mr. OLSEN] is recognized in support of his amendment.

(Mr. OLSEN of Montana asked and was given permission to revise and extend his remarks.)

Mr. OLSEN of Montana. Mr. Chairman, this is just a repeat of the preceding issue and presents it more clearly—the question of whether or not we will preserve veterans' preference in the status quo, applying to those people who are electing to remain in civil service and who are in the State Department. Shall they retain veterans' preference? That is the point. Or shall it be a deci-



sion made by some superior as to whether or not it is practicable for veterans' preference to apply. I think the issue is clear. I think everyone here understands it.

The way the bill stands now, we would permit some superior to decide whether the veteran's preference is practicable and the way I would present it is to strike that section so that we would retain the status quo.

Veterans' preference does not apply to foreign service officers and never has. But it has always applied to a certain group of people who are the ordinary civil servants in the State Department. I think we ought to retain it not only for those who presently are there, but I think we ought to retain veterans' preference as a principle throughout Federal employment. Certainly the examination given the veterans can determine whether or not they are qualified in the first place. But having passed a passing examination—and that is the law—having passed a passing examination, I think veterans ought to have a preference.

Certainly, we have asked the veteran to take time out from his life and from his profession to serve in defense of his Nation. In taking that time out, he lets the economy and many of his fellowmen move out ahead of him in this world. I think that on returning from the service, the veterans ought to be accorded a preference in Federal employment. He ought to be afforded a preference by his fellow citizens for having made his sacrifice as a veteran by serving in a time of war, and that is the only time when veterans' preference is given to these people—because they have served in time of war.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman.

Mr. HENDERSON. I think the gentleman ought to be commended for making it crystal clear that a vote for your amendment will be a vote to tighten up and make veterans' preference applicable in this bill, and I want to commend the gentleman for offering us the opportunity to vote on this.

Much has been said today about veterans' preference in hiring, but nothing has been said with regard to the preference veterans get in a RIF when it is necessary to discharge employees.

The right of those employees who have been hired with veterans' preference would be taken away from them unless the gentleman's amendment is adopted.

Mr. OLSEN of Montana. That is very important; once any kind of curtailment of the force should occur, veterans' preference would take hold. It should. We could only be sure of its taking hold if my amendment is adopted.

Mr. HENDERSON. That is correct. By the adoption of the gentleman's amendment, we shall be sure that veterans' preference will apply to those affected.

Mr. KREBS. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman from New Jersey.

(Mr. KREBS asked and was given permission to revise and extend his remarks.)

[Mr. KREBS addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman from Iowa.

Mr. GROSS. I do not believe that the gentleman has stated that the Disabled American Veterans, the Veterans of Foreign Wars, the American Legion, the Veterans of World War II, the American Veterans, and the Jewish War Veterans all support the pending amendment to preserve veterans' preference.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. I wish to associate myself with the remarks of the gentleman from Montana. Those who really believe in veterans' preference should support the amendment by the gentleman from Montana [Mr. OLSEN] as I shall.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman from Indiana.

Mr. ROUDEBUSH. I wish to make crystal clear that I support the amendment. I think it is well to establish once and for all that we have a very clear-cut case. A vote aye for the amendment is a vote for veterans' preference. I support the gentleman's amendment.

Mr. ELLSWORTH. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman from Kansas.

(Mr. ELLSWORTH asked and was given permission to revise and extend his remarks.)

Mr. ELLSWORTH. Mr. Chairman, I rise in support of the gentleman's amendment and congratulate him for his leadership in offering the amendment. I hope that the amendment will be adopted.

Today we are considering a bill which if passed without the pending amendment would undercut the concept of veterans' preference in the personnel procedures for a large segment of the Federal Establishment.

Following the Revolutionary War, a number of Army officers were appointed to civil positions in the Federal Government—partially because they had served their country in a military capacity. From this small beginning, over the years, the principle of veterans' preference was strengthened through a series of congressional laws and executive actions. In 1944 the system was redrawn and formalized in Public Law 78-359. Why had this preference become such an established factor in Federal hiring practices? When a man is asked to defend our Government, and indeed our way of life, the career opportunities, the seniority and salary lost may never be regained. Thus, if a veteran selects a Federal career, through veterans' pref-

erence he is somewhat compensated for what he gave to defend that very Government.

I believe President Roosevelt caught the spirit of this when, upon signing the Veterans Preference Act of 1944, he declared:

It is absolutely impossible to take millions of our young men out of their normal pursuits for the purposes of fighting to preserve the Nation, and then expect them to resume their normal activities without having any special consideration shown them.

President Roosevelt's remarks are just as valid in 1965 as they were in 1944, yet today we are asked to wipe out veterans preference for those who would work in our Government's foreign relations establishment. I sympathize with the administration's call for strength and flexibility in our foreign service, but firmly believe that strength and flexibility can be obtained without forgetting our veterans. Furthermore, if the Department of State, the U.S. Information Agency, and the Agency for International Development are allowed a special system of hiring, which ignores the veterans, to meet special needs—why not a special system to meet the special needs of the Department of Agriculture, the Department of Commerce, the Post Office Department and so on through every nook and cranny of our Federal Government.

Mr. Chairman, the Federal career system and veterans preference have gone hand in hand throughout the history of this Nation. Today we are asked to crack the dike. Next will come the floods drowning the concept of veterans preference.

I urge my colleagues to give serious consideration to supporting the amendment now before us.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman from Vermont.

Mr. STAFFORD. Mr. Chairman, I should like to commend the gentleman from Montana. I rise in support of the amendment and urge its adoption.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on the amendment and all amendments thereto close in 2 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HAYS. Mr. Chairman, a vote for the amendment is not at all a vote for veterans' preference any more than a vote for the Adair amendment was. In fact, as I view it, the vote for the Adair amendment was more than a vote for the pending amendment because it would require us to look at the question of veterans' preference through the whole State Department, including the Foreign Service. The present amendment requires them to look at it so far as the civil service people who are employed.

If the bill passes as it now stands with the Olsen amendment added, when the time comes when there are no civil service people, there will be no veterans' preference at all, not even when practicable or any other time.

I ask that the amendment be defeated.

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The question was taken; and on a division (demanded by Mr. OLSEN of Montana) there were—ayes, 65; noes, 87. So the amendment was rejected.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Sec. 26. Section 205 of the Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2064), is amended by adding at the end thereof the following new subsection:

"(f) No leave shall be charged to the account of any officer or employee for absence not to exceed six months due to an injury or illness incurred while serving abroad and resulting from hostile activity or clearly caused by the fact that the officer or employee was located abroad."

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 18, line 8, strike out "Sec. 26" and insert in lieu thereof "Sec. 38. (a)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 18, line 13, strike out "six months" and insert in lieu thereof "one year".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 18, after line 16, add the following new subsection:

"(b) The amendment made by subsection (a) of this section shall take effect as of the first day of the first pay period which begins on or after January 1, 1965."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 27. Section 231 of the Overseas Differentials and Allowances Act (5 U.S.C. 8038) is amended by inserting immediately before the period at the end thereof the following: "except that in a foreign area where there is danger of injury due to hostile activity such additional compensation shall not exceed 50 per centum".

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 18, line 20, strike out "Sec. 27" and insert in lieu thereof "Sec. 34".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 18, line 24, immediately before "danger" insert "unusual".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 19, beginning in line 1, add the following new section:

"Sec. 35. The Act entitled 'An Act to provide certain basic authority for the Department of State,' approved August 1, 1956 (5 U.S.C. 170f-170u), is amended by inserting immediately after section 13 the following new section:

"Sec. 14.—There is hereby established a Management Fund for the Department of

State, for expenses (including equipment and those expenses authorized by the Foreign Service Act of 1946, as amended) necessary for the performance of administrative support and other reimbursable services in Washington, District of Columbia, and elsewhere in accordance with existing law. The fund shall be reimbursed or credited with advance payments from applicable appropriations and funds of the Department of State and other Federal agencies, as mutually agreed to, and receipts from other sources authorized by law, approximately equal in the aggregate to the cost of supplies furnished and services rendered. Not to exceed \$1,000,000 of the total funds advanced or reimbursed during any fiscal year shall be available for use in the following fiscal year."

The committee amendment was agreed to.

Mr. HAYS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I take this time to ask the gentleman from Iowa [Mr. Gross], who I understand is going to offer a motion to recommit, if he will tell us what would be in that motion.

Mr. GROSS. The motion to recommit will be the Olsen amendment for transferability of employees, and the amendment just defeated, on veteran's preference.

Mr. HAYS. Just those two amendments?

Mr. GROSS. Yes.

Mr. HAYS. I thank the gentleman.

Mr. Chairman, in 30 seconds I would like to call the attention of the House to the fact that on page 2 of the report there is a long letter dated May 6 from the President of the United States to the Speaker of the House asking that this legislation be passed in order to strengthen the personnel capabilities of all the foreign affairs agencies of the Government. I would like to say, too, it has been pretty popular around here ever since I have been here to attack the State Department and the people in it. I was chairman of the subcommittee during part of the Eisenhower years and when I had something to say about the State Department I said it to them. I did not make any speeches in public and I did not attack them in public because this is the only State Department we have. While I do not think it is perfect, I would like to do everything I can to strengthen it and make it better. I believe this legislation will do it.

Mr. MATHIAS. Mr. Chairman, this is a bad bill. It contradicts Federal personnel practices under which thousands of dedicated civil servants have worked for many years. Worse, it could set a precedent for the gradual undermining of the objectivity of the entire merit system of employment.

The procedures developed under the civil service system are fair and feasible. Employees are hired under this system on a competitive basis, with full consideration given to their qualifications, education, and experience. They work under established and well-understood promotion procedures. Through the performance rating system, a means for objective analysis of their work is established, while the employee is assured the opportunity for review of decisions which may appear arbitrary or unfair. The

Foreign Service system, with its selection out procedures, does not provide this impersonal approach and these safeguards.

It is meaningless, of course, to offer employees the chance to remain under the civil service system within the Foreign Service system. The only Federal employee who would consent to such an arrangement voluntarily is one with no thought of promotion or advancement. Happily, our civil servants are not without aspirations for improvement and merit promotion.

This bill would undermine the job status and security of many of our finest civil servants, without offering them adequate recourse. In so doing, it undermines the entire basis for our Federal civil service. This is a dangerous bill. I strongly oppose it.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MOORHEAD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6277) to amend the Foreign Service Act of 1946, as amended, and for other purposes, pursuant to House Resolution 563, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. Unqualifiedly, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gross moves to recommit the bill H.R. 6277 to the Committee on Foreign Affairs with instructions to report the bill back forthwith with the following amendments:

On page 16, beginning at line 12, strike out all of Section 29.

And on page 17, beginning at line 24, strike out all of Section 32.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the "noes" appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-nine Members are present, a quorum.

Mr. GROSS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

#### CONFERENCE ON WORLD PEACE THROUGH LAW

(Mr. RHODES of Pennsylvania asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RHODES of Pennsylvania. Mr. Speaker, it was my privilege to introduce legislation welcoming the World Conference on World Peace Through Law to Washington on September 13, 1965. I would like to take this opportunity to commend my fellow Members of the House of Representatives for their unanimous consent passage today of House Concurrent Resolution 468, companion legislation to mine, recognizing World Law Day on that date.

This Conference will bring some 2,000 of the world's leading jurists, lawyers, and legal scholars to the Nation's Capital for 1 week. Their task will be to discuss the development of legal rules and judicial systems for the maintenance of world peace.

With the conflicts in Vietnam and Kashmir continuing, such a conference can perform a vital service toward advancing the cause of international security.

By passing this resolution, Congress has carefully noted the importance of strengthening international cooperation through law and legal institutions.

#### TECHNICAL AMENDMENTS ACT TO THE TARIFF ACT

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House have until Monday midnight, September 13, to file a conference report to accompany H.R. 7969, the Technical Amendments Act to the Tariff Act.

The SPEAKER. Is there objection to the request to the gentleman from Arkansas?

There was no objection.

#### SUSPENSION OF DUTY ON SILK YARN

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House have until Monday midnight, September 13 next, to file a conference report to accompany H.R. 5762, the suspension of duty on silk yarn.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

#### PROGRAM FOR THE BALANCE OF THE WEEK AND NEXT WEEK

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I have asked for this time in order to inquire of the majority leader if he would kindly advise us as to the program for the following week.

Mr. ALBERT. Mr. Speaker, will the distinguished Republican whip yield to me?

Mr. ARENDS. I yield to the distinguished majority leader from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the gentleman's inquiry, we have no further legislative business this week.

Next week, the program is as follows: On Monday there are seven 21-day resolutions. These are not necessarily listed in the order in which they may be called up.

House Resolution 478, providing for the consideration of H.R. 9460, National Foundation on the Arts and the Humanities Act of 1965.

House Resolution 536, providing for the consideration of H.R. 10281, Government Employees Salary Comparability Act.

House Resolution 534, providing for the consideration of H.R. 6183, mid-decade censuses of population, unemployment, and housing.

House Resolution 506, providing for the consideration of H.R. 10065, Equal Employment Opportunity Act of 1965.

House Resolution 499, providing for the consideration of H.R. 7371, to amend the Bank Holding Company Act of 1956.

House Resolution 531, providing for the consideration of H.R. 7372, removal of investment company exemption from the Bank Holding Act.

House Resolution 528, providing for the consideration of S. 408, study of Federal financial assistance to natural disaster victims.

I must advise the House that the bills may not necessarily come up on Monday, even if the resolutions are agreed to.

For Tuesday and the balance of the week, the following bills will be called up:

H.R. 2091, relating to the establishment of concession policies in the areas administered by National Park Service—open rule, 2 hours debate.

S. 2042, extending and amending the Price-Anderson indemnity provisions of the Atomic Energy Act of 1954, as amended—open rule, 1 hour debate, waiving points of order.

S. 1903, United Nations Participation Act amendments—open rule, 1 hour debate.

S. 2294, extension of Wheat Agreement Act—open rule, 1 hour debate.

H.R. 9460, National Foundation on the Arts and Humanities Act of 1965.

H.R. 7371, to amend the Bank Holding Company Act of 1956.

S. 2300, Omnibus rivers and harbors flood control bill.

This is subject to the usual reservations that conference reports may be brought up at any time, and that any further program will be announced later.

Mr. ARENDS. Why are the two bills under the 21-day resolution, that the gentleman has listed, at the bottom?

Mr. ALBERT. It is not expected those will be brought up on Monday, but will be brought up following consideration of the rules.

Mr. ARENDS. Monday, being District of Columbia Day, is not listed.

Mr. ALBERT. There is no request for legislation from the District of Columbia Committee.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from California.

Mr. HOSMER. This appears to be a rather lengthy schedule of work, and considering the season of the year maybe we ought to stick around Friday and start getting things tidied up.

Mr. ALBERT. I had intended to cover that in my next statement. We will almost certainly meet next Friday, and we might very well meet on Saturday of next week.

#### ADJOURNMENT UNTIL MONDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, I am still in a quandary as to the schedule of bills for Monday. Does the gentleman mean we are going to take up seven bills, including the pay bill in 1 day?

Mr. ALBERT. We are going to take up the resolutions making consideration of the bills in order.

Mr. GROSS. The resolutions only?

Mr. ALBERT. I announced earlier that the bills themselves may not necessarily be considered on Monday.

Mr. GROSS. I thank the gentleman.

Mr. HALLECK. Mr. Speaker, reserving the right to object, if these rules are adopted, may I inquire whether or not before this session of Congress adjourns, if it ever does adjourn, all of these measures will be called up for action in the House of Representatives, or are we going through an exercise here to get some resolutions adopted?

Mr. ALBERT. I am unable to answer the gentleman at this time, but I will state that these rules do make in order legislation that may be called up under the rules if the committees considering the bills desire to do so, and if they are recognized for that purpose by the Speaker.

Mr. GROSS. One other question: Is this not a most unusual procedure?

Mr. ALBERT. No. This is a procedure under the rules of the House.

Mr. GROSS. No question about it being under the rules of the House, but is